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THE

HISTORY

OF

ENGLAND.

VOL. II.

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THE HISTORY OF ENGLAND,

FROM

The INVASION of JULIUS CÆSAR

TO

The ACCESSION of HENRY VII.

VOL. II.

CONTAINING THE REIGNS OF

HENRY III.
EDWARD I.
EDWARD II.
EDWARD III.
RICHARD II.
HENRY IV.

HENRY V.
HENRY VI.
EDWARD IV.
EDWARD V.
AND
RICHARD III.

By DAVID HUME, Esq.

LONDON:
Printed for A. MILLAR, in the Strand.
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MOST ſciences, in proportion as they encreaſe and improve, invent methods by which they facilitate their reaſonings; and employing general theorems, are enabled to comprehend in a few propoſitions an infinite number of inferences and concluſions. Hiſtory alſo, being a collection of facts, which are multiplying without end, is obliged to adopt ſuch arts of abridgement, to retain the more material events, and to drop all the minute circumſtances,

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ſtances, which are only intereſting during the time, or to the perſons engaged in the tranſactions. This truth is no where more evident than with regard to the reign, upon which we are going to enter. What mortal could have the patience to write or read a long detail of ſuch frivolous events as thoſe with which it is filled, or attend to a tedious narrative which would follow, thro' a ſeries of fifty ſix years, the caprices and weakneſſes of ſo mean a prince as Henry? The chief reaſon, why proteſtant writers have been ſo anxious to ſpread out the incidents of this reign, is in order to expoſe the rapacity, ambition, and artifices of the court of Rome, and to prove, that the great dignitaries of the catholic church, while they pretended to have nothing in view but the ſalvation of ſouls, had bent all their attention to the acquiſition of riches, and were reſtrained by no ſenſe of juſtice or honour, in the purſuit of that great object *. But this concluſion would readily be allowed them, tho' it were not illuſtrated by ſuch a detail of unintereſting incidents; and follows indeed, by an evident neceſſity, from the very ſituation, in which that church was placed with regard to the reſt of Europe. For beſides that all eccleſiaſtical power, as it can always cover its operations under a cloak of ſanctity, and attacks men on the ſide where they dare not employ their reaſon, lies leſs under controul than civil government; beſides this general cauſe, I ſay, the Pope and his courtiers were foreigners to moſt of the churches which they governed; they could not poſſibly have any other object but to pillage the provinces for preſent gain; and as they lived at a diſtance, they would be little awed by ſhame or remorſe, in practiſing every lucrative expedient, which was ſuggeſted to them. England being one of the moſt remote provinces, attached to the Romiſh hierarchy, as well as one of the richeſt, and the moſt prone to ſuperſtition, felt ſeverely during this reign, while its patience was not yet fully exhauſted, the influence of theſe cauſes; and we ſhall often have occaſion to touch curſorily upon ſuch incidents. But we ſhall not attempt to comprehend every tranſaction tranſmitted to us; and till the end of the reign, when the events become more memorable, we ſhall not always obſerve an exact chronological order in our narration.

Settlement of the government.

THE earl of Pembroke, who, at the time of John's death, was mariſchal of England, was by his office at the head of the armies, and conſequently, during a ſtate of civil wars and convulſions, at the head of the ſtate; and it happened fortunately for the young monarch, and for the nation, that the power could not have been intruſted into more able and more faithful hands. This nobleman, who had maintained his loyalty unſhaken to John during the loweſt fortune of that monarch, determined to ſupport the authority of the infant prince; and he

* M. Paris. p. 623.

was

was not dismayed with the number and violence of his enemies. Sensible, that Henry, according to the prejudices of the times, would not be deemed sovereign, till crown'd and anointed by a churchman; he immediately carried the young prince to Gloceſter where the ceremony of coronation was performed, in the preſence of Gualo, the legate, and a very few noblemen, by the biſhops of Wincheſter and Bath *. As the concurrence of the papal authority was requiſite to ſupport the tottering throne, Henry was obliged to ſwear fealty to the Pope, and renew that homage, to which his father had already ſubjected the kingdom †: And in order to enlarge the authority of Pembroke, and give him a more regular and legal title to it, a general council of the barons was ſoon after ſummoned at Briſtol, where that nobleman was choſen protector of the kingdom. Chap. XII. 1216. 28th Oct. 11th Nov.

PEMBROKE, that he might reconcile all men to the governmen: of his pupil, made him grant anew a charter of liberties, which, tho' moſtly copied from the former conceſſions, extorted from John, contains ſome alterations, which may be deemed remarkable ‡. The full privilege of elections in the clergy, granted by John the former King, was not confirm'd, nor the liberty of going out of the kingdom, without the royal conſent: Whence we may conjecture, that Pembroke and the barons, jealous of the eccleſiaſtical power, were deſirous of renewing the King's claim to iſſue a congè d'elire to the monks and chapters, and thought it requiſite to put ſome check on the frequent appeals to Rome. But what may chiefly ſurprize us; the obligation, to which John had ſubjected himſelf, of obtaining the conſent of the great council before he levied any aids or ſcutages from the nation, was omitted; and this article was even declared hard and ſevere, and was expreſsly left to future deliberation. But we muſt conſider, that, tho' this limitation may perhaps appear to us the moſt momentous in the whole charter of John, it was not regarded in that light by the antient barons, who were more jealous of particular acts of violence in the crown than of ſuch general impoſitions, which, unleſs they were evidently reaſonable and neceſſary, could ſcarce, without a general conſent, be levied upon men, who had arms in their hands, and who could repel any act of oppreſſion, by which they were all immediately affected. We accordingly find, that Henry, in the courſe of his reign, while he gave frequent occaſions for complaint, with regard to the violations of the great charter, never once attempted, by his mere will, to levy any aids or ſcutages; though he was often reduc'd to great neceſſities, and was refuſed ſupplies by his people. So much eaſier was it for him to tranſgreſs the

* M. Paris. p. 200. Hiſt. Croyſ. Cont. p. 474. W. Heming. p. 562. Trevet. p. 168.
† M. Paris. p. 200. ‡ Rymer. Vol. 1. p. 215.

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law, when individuals alone were affected, than even to exert his acknowledged prerogatives, where the intereſt of the whole body was concerned.

This charter was again confirmed by the King in the enſuing year, with the addition of ſome articles to prevent the oppreſſions of ſheriffs: And alſo with an additional charter of foreſts, a circumſtance of great moment in thoſe ages, when hunting was ſo much the occupation of the nobility, and when the King comprehended ſo conſiderable a part of the kingdom within his foreſts, which he govern'd by peculiar and arbitrary laws. All the foreſts, which had been enclo-ſed ſince the reign of Henry the ſecond, were deſaforeſted; and new perambulations were appointed for that purpoſe: Offences in the foreſts were declared to be no longer capital; but puniſhable by fines, impriſonments, and more gentle penalties: And all the proprietors of land recovered the power of cutting and uſing their own wood at their pleaſure.

THUS, theſe famous charters were brought very nearly to the ſhape, in which they have ever ſince ſtood; and they were, during many generations, the darling of the whole Engliſh nation, and eſteemed the moſt ſacred rampart to national liberty and independance. As they ſecured the rights of all orders of men, they were regarded with a jealous eye by all, and became the baſis, in a manner, of the Engliſh monarchy, and a kind of original contract, which both limited the authority of the King, and enſured the conditional allegiance of his ſubjects. Tho' often violated, they were ſtill claimed and recalled by the nobility and people; and as no precedents were ſuppoſed valid, that infringed them, they rather acquired, than loſt authority, from the frequent attempts, made againſt them in ſeveral ages, by regal and arbitrary power.

WHILE Pembroke, by renewing and confirming the great charter, gave ſo much ſatisfaction and ſecurity to the nation in general, he alſo applied himſelf ſucceſsfully to individuals; and wrote letters, in the King's name, to all the malecontent barons; in which he repreſented to them, that whatever jealouſy and animoſity they might have entertained againſt the late King, a young prince, the lineal heir of their antient monarchs, had now ſucceeded to the throne, without ſucceeding either to the reſentments or principles of his predeceſſor: That the deſperate expedient, which they had employed, of calling in a foreign potentate, had, happily for them as well as for the nation, failed of entire ſucceſs, and it was ſtill in their power, by a quick return to their duty, to reſtore the independance of the kingdom, and to ſecure that liberty, for which they ſo zealouſly contended: That as all paſt offences of the barons were now buried in oblivion, they ought, on their part, to forget their complaints againſt their late ſovereign, who, if he had been any wiſe blameable in his conduct, had left to his ſon the ſalutary

ſilutary warning, to avoid the paths, which had led to ſuch fatal extremities: And that having now obtained a charter for their liberties, it was their intereſt to ſhow, by their conduct, that that acquiſition was not incompatible with their allegiance, and that the rights of King and people, ſo far from being hoſtile and oppoſite, might mutually ſupport and ſuſtain each other *. Chap. XII. 1216.

THESE conſiderations, enforced by the character of conſtancy and fidelity, which Pembroke had ever maintained, had a mighty influence on the barons; and moſt of them began ſecretly to negotiate with him, and many of them openly returned to their duty. The diffidence, which Lewis diſcovered of their fidelity, forwarded this general propenſion towards the King; and when the French prince refuſed the government of the caſtle of Hertford to Robert Fitz-Walter, who had been ſo active againſt the late King, and who claimed that fortreſs as his right and property, they all plainly ſaw, that the Engliſh were excluded from every truſt, and that foreigners had engroſſed all the confidence and affection of their new ſovereign †. The excommunication too, denounced by the legate, againſt all Lewis's adherents, failed not, in the turn which mens diſpoſitions had taken, to operate a mighty effect upon them; and they were eaſily perſuaded to conſider a cauſe as impious and profane, for which they had already entertained an unſurmountable averſion ‡. Tho' Lewis made a journey to France, and brought over freſh ſuccours from that kingdom §, he found, on his return, that his party was ſtill more weakened by the deſertion of his Engliſh confederates, and that the death of John, had, contrary to his expectation, given an incurable blow to his cauſe. The earls of Saliſbury, Arundel, and Warrenne, together with William Mareſhal, eldeſt ſon of the protector, had embraced Henry's party; and every Engliſh nobleman was plainly watching an opportunity of returning to his allegiance. Pembroke was ſo much ſtrengthened by theſe acceſſions, that he ventured to inveſt Mount-ſorel; tho', upon the approach of the count de Perche with the French army, he deſiſted from his enterprize, and raiſed the ſiege ‖. The count de Perche, elated with this ſucceſs, marched to Lincoln; and being admitted into the town, he began to attack the caſtle, which he ſoon reduced to extremity. The protector ſummoned all his forces from every quarter in order to relieve a place of ſuch importance; and he appeared ſo much ſuperior to the French, that they ſhut themſelves up within the city, and reſolved to take ſhelter behind the walls ⊥. But the garriſon of the caſtle, having re-

* Rymer. vol. 1. p. 215. Brady's App. Nº. 143. † M. Paris. p. 200, 202. ‡ M. Paris. p. 200. M. Weſt. p. 277. § Chron. Dunſt. vol. 1. p. 79. M. Weſt. p. 277. ‖ M. Paris. p. 203. ⊥ Chron. Dunſt. vol. 1. p. 81.

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ceived a ſtrong reinforcement, made a vigorous ſally upon the beſiegers; while the Engliſh army, by concert, aſſaulted them in the ſame inſtant from without, mounted the walls by ſcalade, and bearing down all reſiſtance, entered the city ſword in hand. Lincoln was delivered over to be pillaged; the French army was totally routed; the count de Perche, with only two perſons more, was killed, but many of the chief commanders and about 400 knights were made priſoners by the Engliſh ‡. So little blood was ſhed in this important action, which decided the fate of one of the moſt powerful kingdoms of Europe; and ſuch wretched ſoldiers were thoſe antient barons, who yet were unacquainted with every thing but arms.

Prince Lewis was informed of this fatal event, while employed in the ſiege of Dover, which was ſtill valiantly defended againſt him by Hubert de Burgh. He immediately retreated towards London, which was the center and life of his party; and he there received intelligence of a new diſaſter, which put an end to all his hopes. A French fleet bringing over a ſtrong reinforcement, had appeared on the coaſt of Kent, when they were attacked by the Engliſh under the command of Philip d'Albiney, and were routed and repulſed with conſiderable loſs. D' Albiney practiſed a ſtratagem againſt them, which is ſaid to have contributed to the victory: Having gained the wind of the French, he came down upon them with violence; and throwing in their faces a great quantity of quick-lime, which he purpoſely carried on board, he ſo blinded them, that they were diſabled from defending themſelves *.

AFTER this ſecond misfortune of the French, the Engliſh barons haſted every where to make terms of peace with the protector, and by an early ſubmiſſion, to prevent thoſe forfeitures, to which they were expoſed on account of their rebellion. Lewis, whoſe cauſe was now totally deſperate, began to be anxious for the ſafety of his perſon, and was glad, on any honourable conditions, to make his eſcape from a country, where he found, that every thing was now become hoſtile to him. He concluded a peace with Pembroke, promiſed to evacuate the kingdom, and only ſtipulated in return, an indemnity to his adherents, and a reſtitution of their honours and fortunes, together with the free and equal enjoyment of thoſe liberties, which had been granted to the reſt of the nation †. Thus, was happily ended a civil war, which ſeemed to be founded on the moſt incurable hatred and jealouſy, and threatened the kingdom with the moſt fatal conſequences.

General pacification.

‡ M. Paris. p. 204, 205. Chron. de Mullr. p. 195. * M. Paris. p. 206. Ann. Warerl. p. 183. W. Heming. p. 563. Trevet. p. 169. M. Weſt. p. 277. Knyghton. p. 2428. † Rymer. vol. 1. p. 221. M. Paris. p. 207. Chron. Dunſt. vol. 1. p. 83. M. Weſt. p. 278. Knyghton. p. 2429.

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THE precautions, which the King of France uſed in the conduct of this whole affair, are remarkable. He pretended, that his ſon had accepted of the offer from the Engliſh barons, without his advice, and contrary to his inclination: The armies ſent to England were levied in Lewis's name: When that prince came over to France for aid, his father publickly refuſed to grant him any aſſiſtance, and would not ſo much as admit him to his preſence: Even after Henry's party acquired the aſcendant, and Lewis was in danger of falling into the hands of his enemies, it was Blanche of Caſtile his wife, not the King his father, who raiſed armies and equipped fleets for his ſuccour *. All theſe artifices were employed, not to ſatisfy the Pope; for he had too much penetration to be ſo eaſily impoſed on: Nor yet to deceive the people; for they were too groſs even for that purpoſe: They only ſerved for a colouring to Philip's cauſe; and in public affairs, men are often better pleaſed, that the truth, tho' known to every body, ſhould be wrapt up under a decent cover, than if it were expoſed in open day-light to the eyes of all the world.

After the expulſion of the French, the prudence and equity of the protector's ſubſequent conduct, contributed to cure entirely thoſe wounds, which had been made by inteſtine diſcord. He received the rebellious barons into favour; obſerved ſtrictly the terms of peace, which he had granted them; reſtored them to their poſſeſſions; and endeavoured, by an equal behaviour, to bury all paſt animoſities in perpetual oblivion. The clergy alone, who had adhered to Lewis, were ſufferers in this revolution. As they had rebelled againſt their ſovereign, the Pope, by diſregarding the interdict and excommunication, it was not in Pembroke's power to make any ſtipulations in their favour; and Gualo, the legate, prepared to take vengeance on them for their diſobedience †. Many of them were depoſed; many ſuſpended; ſome baniſhed; and all who eſcaped puniſhment, made atonement for their offences, by paying large ſums to the legate, who amaſſed an immenſe treaſure by this expedient.

Death of the protector.

THE earl of Pembroke ſurvived not long the pacification, which had been chiefly owing to his wiſdom and valour ‡; and he was ſucceeded in the government by Peter, biſhop of Wincheſter, a Poicteven, and Hubert de Burgh, high juſticiary. The councils of the latter were chiefly followed; and had he poſſeſſed equal authority in the kingdom with Pembroke, he ſeemed to be every way worthy of filling the place of that virtuous citizen. But the licentious and powerful barons, who had once broke the reins of ſubjection to their prince, and

Some commotions.

* M. Paris. p. 256. Chron. Dunſt. vol. 1. p. 82. Dunſt. vol. 1. p. 83.

† Brady's App. N°. 144. Chron.

‡ M. Paris. p. 210.

had

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had obtained by violence an enlargement of their liberties and independance, could ill be reſtrained by laws under a Minority; and the people, no leſs than the King, ſuffered from their outrages and diſorders. They retained by force the royal caſtles, which they had uſurped during the paſt convulſions, or which had been committed to their cuſtody by the protector*: They uſurped the demeſnes†: They oppreſſed their vaſſals: They infeſted their weaker neighbours: And they invited all diſorderly people to enter in their retinue, and to live upon their lands; and they gave them protection in all their robberies and extortions.

No one was more infamous for theſe violent and illegal practices than the earl of Albemarle, who, tho' he had early returned to his duty, and had been very ſerviceable in expelling the French, augmented to the outmoſt of his power the general licence, which prevailed; and committed outrages in all the counties of the north. In order to ſuppreſs his diſorders, Hubert ſeized an opportunity of getting poſſeſſion of Rockingham caſtle, which Albemarle had garriſoned with his licentious retinue: But this nobleman, inſtead of ſubmitting, entered into a ſecret confederacy with Fawkes de Breaute, Peter de Mauleon, and other barons, and both fortified the caſtle of Biham for his defence, and made himſelf maſter by ſurprize of that of Fotheringay. Pandulf, who was reſtored to his legateſhip in the place of Gualo, was active in ſuppreſſing this rebellion; and with the concurrence of eleven biſhops, he denounced the ſentence of excommunication againſt Albemarle and his adherents‡: An army was levied: A ſcutage of ten ſhillings a knight's fee was impoſed on all the military tenants: Albemarle's aſſociates gradually deſerted him: And he himſelf was obliged at laſt to ſubmit to mercy. He received a pardon, and was reſtored to his whole eſtate.

THIS impolitic lenity, too frequent in thoſe times, was probably the reſult of a combination among the barons, who never could endure to ſee the total ruin of one of their own order: But it encouraged Fawkes de Breaute, a man whom King John had raiſed from a low origin, to perſevere in the courſe of violence, to which he had owed his fortune, and to ſet at nought all law and juſtice. When thirty five verdicts were at one time found againſt him, on account of his violent expulſion of ſo many freeholders from their poſſeſſions; he came to the court of juſtice with an armed force, ſeized the judge who had pronounced the ſentences, and impriſoned him in Bedford caſtle. He then levied open war againſt the King; but being ſubdued, and taken priſoner, his life was granted him; but his eſtate was confiſcated, and he was baniſhed the kingdom §.

* Trivet. p. 174. † Rymer. vol. 1. p. 276. ‡ Chron. Dunſt vol. 1. p. 102.
§ Rymer. vol. 1. p. 298. M. Paris. p. 221, 224. Ann. Waverl. p. 188. Chron. Dunſt. vol. 1. p. 141, 146. M. Weſt. p. 283.

JUSTICE

JUSTICE was executed with greater ſeverity againſt diſorders leſs premeditated, which broke out in the city of London. A frivolous emulation in a match of wreſtling, between the Londoners on the one hand, and the inhabitants of Weſtminſter and thoſe of the neighbouring villages on the other, occaſioned this commotion. The former roſe in a body, and pulled down ſome houſes belonging to the abbot of Weſtminſter: But this riot, which, conſidering the tumultuous diſpoſition familiar to that capital, would have been little regarded, ſeemed to become more ſerious, by the ſymptoms, which then broke out of the former attachment of the citizens to the French intereſt. The populace, in the tumult, made uſe of the cry of war commonly employed by the French troops; *mountjoy, mountjoy, God help us and our lord Lewis.* The juſticiary made enquiry into the diſorder; and finding one Conſtantine Fitz Arnulf to have been the ringleader, an inſolent man, who juſtified his crime in Hubert's preſence, he proceeded againſt him by martial law, and ordered him immediately to be hanged, without trial or form of proceſs. He alſo cut off the feet of ſome of Conſtantine's accomplices *. Chap. XII. 1222.

THIS act of power was complained of as an infringement of the great charter: Yet the juſticiary, in a parliament, ſummoned at Oxford (for the great councils began about this time to receive that appellation) made no ſcruple to grant in the King's name a renewal and confirmation of that charter. When the aſſembly made application to the crown for this favour; as a law in thoſe times ſeemed to loſe its validity, if not frequently renewed; William de Briewere, one of the council of Regency, was ſo bold as to ſay openly, that theſe liberties were extorted by force, and ought not to be obſerved: But he was reprimanded by the archbiſhop of Canterbury, and was not countenanced by the King or his chief miniſters †. A new confirmation was demanded and granted two years after; and an aid, amounting to a fifteenth of all moveables, was given by the parliament, in return for this indulgence ‡. The King iſſued writs anew to the ſheriffs, commanding the obſervance of the charter; but he inſerted a remarkable clauſe in the writs, that thoſe who payed not the fifteenth, ſhould not for the future be entitled to the benefit of thoſe liberties §.

THE low ſtate, into which the crown was now fallen, made it requiſite for a good miniſter to be attentive to the preſervation of the royal prerogatives, as well as to the ſecurity of public liberty. Hubert applied to the Pope, who had always great authority in the kingdom, and was now conſidered as its ſuperior lord; and deſired him to iſſue a bull, declaring the King to be of full age, and entitled to

* M. Paris. p. 217, 218, 259. Annal. Waverl. p. 187. Chron. Dunſt. vol. 1. p. 129. † M. Weſt. p. 282. ‡ M. Paris. p. 223. Ann. T. Wykes. p. 40. Chron. Dunſt. vol. 1. p. 151. M. Weſt. p. 284. Knyghton. p. 2430. § Clauſ. 9. H. 3. m. 9; and m. 6. d.

Chap. XII. 1222. exercise in person all the acts of royalty *. In consequence of this declaration, the justiciary resigned into Henry's hands the two important fortresses of the Tower and Dover castle, which had been entrusted to his custody; and required the other barons to imitate his example. They refused compliance: The earls of Chester and Albemarle, John Constable of Chester, John de Lacy, Brian de l'Isle, and William de Cantel, with some others, even formed a conspiracy to surprize London, and met in arms at Waltham with that intention: But finding the King prepared for defence, they desisted from their enterprize. When summoned to court, in order to answer for their conduct, they scrupled not to appear, and to confess their design: But they told the King, that they had no bad intentions against his person, but only against Hubert de Burgh, whom they were determined to remove from his office †. They appeared too formidable to be chastised; and they were so little discouraged by the failure of their first enterprize, that they met again in arms at Leicester, in order to seize the King who then resided at Northampton: But Henry, informed of their purpose, took care to be so well armed and attended, that the barons found it dangerous to make the attempt; and they sat down and kept their Christmas in his neighbourhood ‡. The archbishop and the prelates, finding every thing tend towards a civil war, interposed with their authority, and threatened the barons with the sentence of excommunication, if they persisted in detaining the King's castles. This menace at last prevailed: Most of the fortresses were surrendered; tho' the barons complained, that Hubert's castles were soon after restored to him, while the King still kept theirs in his own custody. There are said to have been 1115 castles at that time in England §.

It must be ackowledged, that the influence of the prelates and the clergy was often of very great service to the public. Tho' the religion of that age can merit no other name than that of superstition, it served to unite together a body of men who had great sway over the people, and who kept the community from falling to pieces, from the factions and independant power of the nobles. And what was of great consequence; it threw a mighty authority into the hands of men, who by their profession were averse to arms and violence; who tempered by their mediation the general disposition towards military enterprizes; and who still maintained, even amidst the shock of arms, those secret links, without which it is impossible for human society to subsist.

NOTWITHSTANDING these intestine commotions in England, and the precarious authority of the crown, Henry was obliged to carry on war in France, and

* M. Paris. p. 220. † Chron. Dunst. vol. 1. p. 137. ‡ M. Paris. p. 221. Chron. Dunst. vol. 1. p. 138. § Coke's Comment. on Mag. Charta. chap. 17.

he

he employed to that purpoſe the fifteenth which had been granted him by parliament. Lewis the eighth, who had ſucceeded to his father, Philip, inſtead of attending to Henry's claim, who demanded the reſtitution of Normandy and the other provinces, wreſted from England, made an irruption into Poictou, took Rochelle * after a long ſiege, and ſeemed determined to expell the Engliſh from the few provinces, which yet remained to them. Henry ſent over his uncle, the earl of Saliſbury; together with his brother prince Richard, to whom he had granted the earldom of Cornwal, which had eſcheated to the crown. Saliſbury ſtopt the progreſs of Lewis's arms, and retained the Poictevin and Gaſcon vaſſals in their allegiance: But no military action of any moment was performed on either ſide. The earl of Cornwal, after two years ſtay in Guienne, returned to England. Chap. XII. 1222.

THIS prince was no wiſe turbulent or factious in his diſpoſition: His ruling paſſion was to amaſs money, in which he ſucceeded ſo well as to become the richeſt prince in Chriſtendom: Yet his attention to gain ſometimes threw him into acts of violence, and gave diſturbance to the government. There was a manor, which formerly had belonged to the earldom of Cornwal, but had been given away to Waleran de Ties, before Richard had been inveſted with that dignity, and while the earldom remained in the hands of the crown. Richard claimed this manor, and expelled the proprietor by force: Waleran complained: The King ordered his brother to do juſtice to the man, and reſtore him to his rights: The earl ſaid, that he would not ſubmit to theſe orders, till the cauſe was decided againſt him by the judgment of his peers: Henry replied, that it was firſt requiſite to re-inſtate Waleran in poſſeſſion, before the cauſe could be tried; and he re-iterated his orders to the earl †. We may judge of the ſtate of the government, when this affair was like to produce a civil war. The earl of Cornwal, finding Henry peremptory in his demands, aſſociated himſelf with the young earl of Pembroke, who had married his ſiſter, and who was diſcontented on account of the King's requiring him to deliver up ſome royal caſtles which were in his cuſtody. Theſe two noblemen took into their confederacy the earls of Cheſter, Warenne, Gloceſter, Hereford, Warwic, and Ferrars, who were all diſguſted on a like account ‡. The malecontents aſſembled an army, which the King had not the power or courage to reſiſt; and he was obliged to give his brother ſatisfaction, by grants of much greater importance than the manor, which had been the firſt ground of the quarrel §. 1227.

THE character of the King, as he grew to man's eſtate, became every day better known, and was found in every circumſtance totally unqualified for main-

* Rymer. vol. 1. p. 269. Trivet. p. 179. † M. Paris. p. 233. ‡ M. Paris. p. 233. § M. Paris. p. 233.

Chap. XII. 1227. taining a proper ſway among thoſe turbulent barons, whom the feudal conſtitution ſubjected to his authority. Gentle, humane, and merciful even to a fault, he ſeems to have been ſteady in no other circumſtance of his character; but to have received every impreſſion from thoſe who ſurrounded him, and whom he loved, for the time, with the moſt imprudent and moſt unreſerved affection. Without activity or vigour, he was unfit to conduct war; without policy or art, he was ill fitted to maintain peace: His reſentments, tho' haſty and violent, were not dreaded, while he was found to drop them with ſuch facility; his friendſhips were little valued, becauſe they were neither derived from choice, nor maintained with conſtancy. A proper pageant of ſtate in a regular monarchy, where his miniſters could have conducted all affairs in his name and by his authority; but too feeble in thoſe diſorderly times to ſway a ſcepter, whoſe weight depended entirely on the firmneſs and dexterity of the hand, which held it.

Hubert de Burgh diſplaced.

The ableſt and moſt virtuous miniſter, whom Henry ever poſſeſſed, was Hubert de Burgh*; a man who had been ſteady to the crown in the moſt difficult and dangerous times, and who yet ſhewed no diſpoſition, in the height of his power, to enſlave or oppreſs the people. The only exceptionable part of his conduct is that which is mentioned by Matthew Paris †, if the fact is really true, and proceeded from Hubert's advice, the recalling publickly and annulling the charter of foreſts, a conceſſion ſo reaſonable in itſelf, and ſo paſſionately claimed both by the nobility and people: But it muſt be confeſſed, that this meaſure is ſo unlikely, both from the circumſtances of the times and character of the miniſter, that there is great reaſon to doubt of its reality, eſpecially as it is mentioned by no other hiſtorian. Hubert, while he enjoyed his authority, had an entire aſcendant over Henry, and was loaded with honours and favours beyond any other ſubject. Beſides acquiring the property of many caſtles and manors, he married the eldeſt ſiſter of the King of Scots, was created earl of Kent, and by an unuſual conceſſion, was made chief juſticiary of England for life: Yet
1231. Henry, in a ſudden caprice, threw off this faithful miniſter, and expoſed him to the violent perſecutions of his enemies. Among other frivolous crimes objected to him, he was accuſed of gaining the King's affections by enchantment, and of purloining from the royal treaſury a gem, which had the virtue to render the wearer invulnerable, and of ſending this valuable curioſity to the prince of Wales ‡. The nobility, who hated Hubert on account of his zeal in reſuming the rights and poſſeſſions of the crown, no ſooner ſaw the opening, than they inflamed the King's animoſity againſt him, and puſhed him to ſeek the total

* Ypod. Neuſtriæ. p. 464. † P. 232. M. Weſt. p. 216. aſcribes this council to Peter Biſhop of Wincheſter. ‡ M. Paris. p. 259.

ruin

ruin of his miniſter. Hubert took ſanctuary in a church: The King ordered him to be dragged from thence: He recalled thoſe orders: He afterwards renewed them: He was obliged by the clergy to reſtore him to the ſanctuary: He conſtrained him ſoon after to ſurrender himſelf priſoner, and he confined him to the caſtle of the Deviſes. Hubert made his eſcape, was expelled the kingdom, was again received into favour, recovered a great ſhare of the King's confidence, but never ſhowed any inclination of re-inſtating himſelf in his power and authority *. Chap. XII. 1231.

THE man, who ſucceeded him in the government of the King and kingdom, was Peter des Roches, biſhop of Wincheſter, a Poictevin by birth, who had been raiſed by the late King, and who was no leſs diſtinguiſhed by his arbitrary principles and violent conduct, than by his courage and abilities. This prelate had been left by King John juſticiary and regent of the kingdom during an expedition which that prince made into France; and his illegal adminiſtration was one chief cauſe of that great combination among the barons, which finally extorted from the crown the charter of liberties, and laid the foundation of the Engliſh conſtitution. Henry, tho' incapable, from his character, of purſuing the ſame violent maxims, which had governed his father, had imbibed the ſame arbitrary principles; and in proſecution of Peter's advice, he invited over a great number of Poictevins and other foreigners, who, he believed, could more ſafely be truſted than the Engliſh, and who ſeemed requiſite to counterbalance the great and independant power of the nobility †. Every office and command was beſtowed on theſe ſtrangers; their rapacity exhauſted the revenues of the crown, already too much impoveriſhed ‡; they invaded the rights of the people; and their inſolence, ſtill more provoking than their power, drew on them the hatred and envy of all orders of men in the kingdom §. Biſhop of Wincheſter miniſter.

THE barons formed a combination againſt this odious miniſtry, and withdrew from their attendance in parliament; on pretence of the danger, to which they were expoſed from the machinations of the Poictevins. When again ſummoned to attend, they gave for anſwer, that the King ſhould diſmiſs his foreigners from court: Otherwiſe they would drive both him and them out of the kingdom, and put the crown on another head, more worthy of wearing it ‖: Such was the ſtyle, which they uſed to their ſovereign! They at laſt came to parliament, but ſo well attended with armed followers, that they ſeemed in a condition to preſcribe laws to the King and miniſtry. Peter des Roches, however, had in the interval found means of ſowing diſſenſion among the barons, and of bringing over to his 1233.

* M. Paris. p. 259, 260, 261, 266. Chron. T. Wykes. p. 41, 42. Chron. Dunſt. vol. 1. p. 220, 221. M. Weſt. p. 291, 301. † M. Paris. p. 263. ‡ Chron. Dunſt. vol. 1. p. 151.
§ M. Paris. p. 258. ‖ M. Paris. p. 265.

party

Chap. XII. 1233. party the earl of Cornwal, as well as the earls of Lincoln and Cheſter. The confederates were diſconcerted in their meaſures: Richard, earl Mariſchal, who had ſucceeded to that dignity on the death of his brother, William, was chaced into Wales; he thence withdrew into Ireland; where he was treacherouſly murdered by the contrivance of the biſhop of Wincheſter *. The eſtates of the more obnoxious barons were confiſcated, without legal ſentence or trial by their peers †; and were beſtowed with a profuſe liberality on the Poictevins. Peter even carried his inſolence ſo far as to ſay publickly, that the barons of England muſt not pretend to put themſelves on the ſame footing with thoſe of France, or aſſume the ſame liberties and privileges: The monarch had a more abſolute power in the one country than in the other. It would have been more juſtifiable for him to ſay, that men, ſo unwilling to ſubmit to the authority of law, could with the worſe grace claim any ſhelter or protection from it.

When the King, at any time, was checked in his illegal practices, and the authority of the great charter was objected to him, he was wont to reply; "Why ſhould I obſerve a charter, which is neglected by all my grandees, both prelates and nobility?" It was very reaſonably replied. "You ought, ſir, to ſet them the example." ‡

So violent a miniſtry as that of the biſhop of Wincheſter, could not be of long duration; but its fall proceeded at laſt from the influence of the church, not from the efforts of the nobles. Edmond, the preſent primate, came to court, attended by many of the other prelates; and repreſented to the King the pernicious meaſures embraced by Peter des Roches, the diſcontents of his people, the ruin of his affairs; and after requiring the diſmiſſion of the miniſter, and his aſſociates, threatened him with the ſentence of excommunication, in caſe of his refuſal. Henry, who knew that an excommunication, ſo agreeable to the ſenſe of the people, could not fail of operating the moſt dangerous effects, was obliged to ſubmit: Foreigners were baniſhed: The natives were reſtored to their place in council §: The primate, who was a man of prudence, and who took care to execute the laws and obſerve the charter of liberties, bore the chief ſway in the government.

1236. 14th January. King's partiality to foreigners.

But the Engliſh in vain flattered themſelves that they would be long free from the dominion of foreigners. The King, having married Eleanor, daughter to the count of Provence ‖, was ſurrounded by a great number of ſtrangers from that country, whom he careſſed with the fondeſt affection, and enriched by an imprudent

* Chron. Dunſt. vol. 1. p. 219. † M. Paris. p. 265. ‡ M. Paris. p. 609. § M. Paris. p. 271, 272. Rymer. vol. 1. p. 448. M. Paris. p. 286.

gene-

generosity *. The bishop of Valence, a prelate of the house of Savoy, and maternal uncle to the queen, was his chief minister, and employed every art to amass wealth for himself and his relations. Peter de Savoy, another brother of the same family, was invested in the honour of Richmond, and received the rich wardship of earl Warrenne: Boniface de Savoy was promoted to the see of Canterbury: Many young ladies were invited over from Provence, and married to the chief noblemen of England, who were the King's wards †: And as the source of Henry's bounty began to fail, his Savoyard ministry applied to Rome, and obtained a bull; permitting him to resume all past grants; absolving him from the oath, which he had taken to maintain them; even enjoining him to make such a resumption, and representing these grants as invalid, on account of the prejudice which ensued from them to the Roman pontiff, in whom the superiority of the kingdom was vested ‡. The opposition, made to the intended resumption, prevented it from taking effect; but the nation saw the indignities, to which the King was willing to submit, in order to gratify the avarice of his foreign favourites. About the same time, he published in England the sentence of excommunication, denounced against the emperor Frederic, his brother in law §; and said in excuse, that, being the Pope's vassal, he was obliged by his allegiance to obey all the commands of his holiness. In this weak reign, when any neighbour insulted the King's dominions, instead of taking revenge for the injury, he complained to the Pope as his superior lord, and begged him to give protection to his vassal ‖. Chap. XII. 1236.

The resentment of the English barons rose high at the preference given to foreigners; but no remonstrances and complaints could ever prevail on the King to abandon them, or even to moderate his attachment towards them. After the Provençals and Savoyards might have been supposed pretty well satiated with the dignities and riches, which they had acquired, a new set of hungry foreigners were invited over, and shared among them those favours, which the King ought in policy, to have conferred on the English nobility, by whom his government could have been supported and defended. His mother, Isabella, who had been unjustly taken by the late King from the count de la Marche, to whom she was betrothed, was no sooner mistress of herself by the death of her husband, than she married that nobleman ⊥; and she had born him four sons, Guy, William, Geoffrey, and Aymer, whom she sent over into England to pay a visit to their brother. The good-natured and affectionate disposition of Henry was moved at Grievances. 1247.

* M. Paris. p. 236, 301, 305, 316, 541. M. West. p. 302, 304. † M. Paris. p. 484. M. West. p. 338. ‡ M. Paris. p. 295, 301. § Rymer, vol. 1. p. 383. ‖ Chron. Dunst. vol. 1. p. 150. ⊥ Trevet. p. 174.

Chap. XII. 1247.

the ſight of ſuch near relations; and he conſidered neither his own circumſtances, nor the humours of his people, in the honours and riches, which he conferred upon them *. Complaints roſe as loud againſt the credit of the Gaſcon as ever they had done againſt that of the Poictevin and Savoyard favourites; and to a nation prejudiced againſt them, all their meaſures appeared criminal and exceptionable. Violations of the great charter were frequently mentioned; and it is indeed more than likely, that foreigners, ignorant of the laws, and relying on the boundleſs affections of a weak prince, would, in an age, when a regular adminiſtration was not any where known, pay more attention to their own preſent intereſt than to the liberties of the people. It is reported, that the Poictevins and other ſtrangers, when the laws were at any time appealed to, in oppoſition to their oppreſſions, ſcrupled not to reply, *What did the Engliſh laws ſignify to them? They minded them not.* And as words are often more offenſive than actions, this open contempt of the Engliſh tended much to aggravate the general diſcontent, and made every act of violence, committed by the foreigners, appear not only an injury, but an affront to them †.

I reckon not among the violations of the great charter ſome arbitrary exertions of prerogative, which Henry's neceſſities obliged him to practiſe, and which, without producing any diſcontent, were uniformly continued by all his ſucceſſors, till the laſt century. As the parliament often refuſed him ſupplies, and that in a manner ſomewhat rude and indecent ‡, he obliged his opulent ſubjects, particularly the citizens of London, to grant him loans of money; and it is natural to imagine, that the ſame want of oeconomy, which reduced him to the neceſſity of borrowing, would prevent him from being very punctual in the payment §. He demanded benevolences or pretended voluntary contributions from his nobility and prelates ‖. He was the firſt King of England ſince the conqueſt, who could fairly be ſaid to lye under the reſtraint of law; and he was alſo the firſt who practiſed the diſpenſing power, and employed the famous clauſe of *Non-obſtante* in his grants and patents. When objections were made to this novelty, he replied, that the Pope exerciſed that authority; and why might he not imitate the example? But the abuſe, which the Pope made of his diſpenſing power, in violating the Canons of general councils, in invading the privileges and cuſtoms of all particular churches, and in uſurping on the rights of patrons, was more likely to excite the jealouſy of the people, than to reconcile them to a ſimilar practice in their civil government. Roger de Thurkeſby, one of the King's juſtices,

* M. Paris. p. 491. M. Weſt. p. 338. Knyghton. p. 2436. Ann. Waver. p. 214. Chron. Dunſt. vol. 1. p. 335. † M. Paris. p. 566. 666. ‡ M. Paris. p. 301. § M. Paris. p. 406. ‖ M. Paris. p. 507.

was

was ſo diſpleaſed with the precedent, that he exclaimed, *Alas! what times are we fallen into? Behold, the civil court is corrupted in imitation of the eccleſiaſtical, and the river is poiſoned from that fountain.* Chap. XII. 1247.

THE King's partiality and profuſe bounty to his foreign relations, and to their friends and favourites, would have appeared more tolerable to the Engliſh, had any thing been done mean-while for the honour of the nation, or had Henry's enterprizes in foreign countries, been attended with any ſucceſs or glory to himſelf or to the public: At leaſt, ſuch military talents in the King would have ſerved to keep his barons in awe, and have given weight and authority to his government. But tho' he declared war againſt Lewis IX. in 1242, and made an expedition into Guienne, upon the invitation of his father in law, the count de la Marche, who promiſed to join him with all his forces; he was unſucceſsful in his attempts againſt that great monarch, was worſted at Taillebourg, was deſerted by his allies, loſt what remained to him of Poictou, and was obliged to return, with ſome loſs of honour, into England *. The Gaſcon nobility were attached to the Engliſh government; becauſe the diſtance of their ſovereign allowed them to remain in a ſtate of almoſt total independance: And they claimed, 1253. ſome time after, the King's protection againſt an invaſion, which the King of Caſtile made upon that territory. Henry returned into Guienne, and was more ſucceſsful in this expedition; but he thereby involved himſelf and his nobility in an enormous debt, which both encreaſed their diſcontents, and expoſed him to greater danger from their enterprizes †.

WANT of oeconomy and an ill judged liberality were Henry's great defects; and his debts, even before this expedition, had become ſo troubleſome to him, that he ſold all his plate and jewels, in order to diſcharge them. When this expedient was firſt propoſed, he aſked, where he would find purchaſers? It was replied, the citizens of London. *On my word*, ſaid he, *if the treaſury of Auguſtus were brought to market, the citizens are able to be the purchaſers: Theſe clowns, who aſſume to themſelves the name of barons, abound in every thing, while we are reduced to neceſſities* ‡. And he was thenceforth obſerved to be more forward and greedy in his exactions upon the citizens §.

BUT the grievances, which the Engliſh had reaſon to complain of in the civil government during this reign, ſeem to have been ſtill leſs grievous than thoſe which they underwent from the uſurpations and exactions of the court of Rome. On the death of Langton in 1228, the monks of Chriſt-church elected Walter de Eccleſiaſtical grievances.

* M. Paris. p. 393, 394, 398, 399, 405. W. Heming. p. 574. Chron. Dunſt. vol. 1. p. 153.
† M. Paris. p. 614. ‡ M. Paris. p. 501. § M. Paris. p. 501, 507, 518, 578, 606, 625, 648.

Chap. XII. 1253. Hemesham, one of their own body, for his successor: But as Henry refused to confirm the election, the Pope, at his desire, annulled it *; and immediately appointed Richard, chancellor of Lincoln, for archbishop, without waiting for a new election. On the death of Richard in 1231, the monks elected Ralph de Neville bishop of Chichester; and tho' Henry was much pleased with the election, the Pope, who thought that prelate too much attached to the crown, assumed the power of annulling his election †. He rejected two clergymen more, whom the Monks had successively chosen; and he at last told them, that, if they would elect Edmond, treasurer of the church of Salisbury, he would confirm their choice; and his nomination was complied with. The Pope had the prudence to appoint both times very worthy primates; but men could not forbear observing his intention of thus drawing gradually to himself the right of bestowing that important dignity.

THE avarice, however, more than ambition of the see of Rome, seems to have been in this age the ground of general complaint; and the papal ministers, finding a vast stock of power, amassed by their predecessors, were desirous of turning it to present profit, which they enjoyed at home, rather than of enlarging their authority in distant countries, where they never intended to reside. Every thing was become venal in the Romish tribunals; simony was openly practised; no favours and even no justice could be obtained without a bribe; the highest bidder was sure to have the preference, without regard either to the merits of the person or of the cause; and besides the usual perversions of right in the decision of controversies, the Pope openly assumed an absolute and uncontroled authority of setting aside, by the plenitude of his apostolic power, all particular rules and privileges of patrons, churches and convents ‡. Under pretence of remedying these abuses, Pope Honorius, in 1226, complaining of the poverty of his see as the source of all grievances, demanded from every cathedral two of the best prebends, and from every convent two monks portions, to be set apart as a perpetual and settled revenue of the papal crown; but all men being sensible, that the revenue would continue for ever, and the abuses immediately return, his demand was unanimously rejected §. About three years after, the Pope demanded and obtained the tenth of all ecclesiastical revenues, which he levied in a very oppressive manner; requiring payment before the clergy had drawn their rents or tythes, and sending about usurers, who advanced them the money at exorbitant interest ‖. In the year 1240, Otho, the legate, having in vain attempted the

* M. Paris. p. 244. † M. Paris. p. 254. ‡ M. Paris. p. 290, 308, 345, 375, 421, 469, 483, 537, 609, Ann. Burt. p. 309. M. West. p. 305, 313, 333, 336. § M. Paris. p. 226, 227, 228. Chron. Dunst. vol. 1. p. 161. M. West. p. 284. ‖ M. Paris. p. 248.

clergy in a body, obtained ſeparately, by intrigues and menaces, large ſums from the prelates and convents, and on his departure is ſaid to have carried more money out of the kingdom than he left in it *. This experiment was renewed four years after with equal ſucceſs by Martin the Nuncio, who brought from Rome powers of ſuſpending and excommunicating all clergymen, that refuſed to comply with his demands †. The King, who relied on the Pope for the ſupport of his tottering authority, never failed to countenance theſe exactions ‡. Chap XII. 1253.

MEAN while, all the chief benefices of the kingdom were conferred on Italians; great numbers of that nation were ſent over at one time to be provided for; non-reſidence and pluralities were carried to an enormous height; Manſel, the King's chaplain, is computed to have held at once ſeven hundred eccleſiaſtical livings §; and the abuſes became too great and palpable even for the blindneſs and patience of ſuperſtition any longer to endure them. The populace, entering into aſſociations, roſe in tumults againſt the Italian clergy; pillaged their barns; waſted their fields; inſulted the perſons of ſuch of them as they found in the kingdom ‖; and when the juſticiaries made enquiry into the authors of this diſorder, the guilt was found to involve ſo many and thoſe of ſuch high rank, that it paſſed unpuniſhed. At laſt, when Innocent IV. in 1245, called a general council at Lyons, in order to excommunicate the emperor Frederic, the King and nobility ſent over agents to complain before the council of the avarice of the Romiſh church; and they repreſented among many other grievances, that the benefices of the Italian clergy in England had been eſtimated, and were found to amount to 60,000 marks ⸸ a year, a ſum which exceeded the annual revenue of the crown itſelf *. They obtained only an evaſive anſwer from the Pope; but as mention had been made before the council, of the feudal ſubjection of England to the ſee of Rome, the Engliſh agents, at whoſe head was Roger Bigod, earl of Norfolk, exclaimed againſt that pretenſion, and inſiſted, that King John had no right, without the conſent of his barons, to ſubject the kingdom to ſo ignominious a ſervitude †. The Popes indeed, afraid of carrying matters too far againſt England, ſeem thenceforth to have little inſiſted on that exorbitant pretenſion.

*. M. Paris. p. 355, 360, 361, 366, 371. † M. Paris. p. 434. ‡ M. Paris. p. 376, 612, 613. § M. Paris. p. 575. M. Weſt. p. 383. ‖ Rymer, vol. 1. p. 323. M. Paris. p. 255, 257. Ann. Burt. p. 280, 281. Chron. Dunſt. vol. 1. p. 207. ⸸ Innocent's bull in Rymer, vol. 1. p. 471. ſays only 50,000 marks a year. * M. Paris. p. 451. The cuſtoms were part of Henry's revenue, and amounted to 6000 pounds a year: They were at firſt ſmall ſums paid by the merchants for the uſe of the King's warehouſes, meaſures, weights, &c. See Gilbert's hiſtory of the exch. p. 214. † M. Paris. p. 460.

Chap. XII. 1253. THIS check, received at the council of Lyons, was not able to ſtop the court of Rome in its career: Innocent exacted the revenues of all vacant benefices, the twentieth of all eccleſiaſtical revenues without exception; the third of ſuch as exceeded a hundred marks a year; the half of ſuch as were poſſeſſed by non-reſidents *. He claimed the goods of all inteſtate clergymen †; he pretended a title to inherit all money got by uſury; he levied voluntary contributions from the people; and when the King, contrary to his uſual practice, prohibited theſe exactions, he threatened to denounce againſt him the ſame cenſures, which he had launched againſt the emperor, Frederic ‡.

1255. BUT the moſt oppreſſive expedient, employed by the Pope, was the embarking Henry in an enterprize for the conqueſt of Naples, or Sicily on this ſide the Fare, as it was called; an affair, which threw much diſhonour on the King, and involved him, during ſome years, in great expence and trouble. The Romiſh church, taking advantage of favourable incidents, had reduced the kingdom of Sicily to the ſame ſtate of feudal vaſſalage, which ſhe pretended to extend over England, and which, by reaſon of the diſtance, as well as high ſpirit of this latter kingdom, ſhe was not able to maintain. After the death of the emperor, Frederic II. the ſucceſſion of Sicily devolved to Conradine, grandſon to that monarch; and Mainfroy, his natural ſon, under pretence of governing the kingdom during the infancy of the prince, had formed a ſcheme of eſtabliſhing his own authority. Pope Innocent IV. who had carried on violent war againſt the emperor, Frederic, and endeavoured to diſpoſſeſs him of his Italian dominions, ſtill continued hoſtilities againſt his grandſon; but being diſappointed in all his ſchemes by the activity and artifices of Mainfroy, he found, that his own force alone was not ſufficient to bring to a happy iſſue ſo great an enterprize. He pretended to diſpoſe of the Sicilian crown, both as ſuperior lord of that particular kingdom, and as vicar of Chriſt, to whom all kingdoms of the earth were ſubjected; and he made a tender of it to Richard earl of Cornwal, whoſe immenſe riches, he flattered himſelf, would be able to ſupport the military operations againſt Mainfroy. As Richard had the prudence to refuſe the preſent §, he applied to the King, whoſe levity and thoughtleſs diſpoſition gave him more hopes of ſucceſs; and he offered him the crown of Sicily for his ſecond ſon, Edmond ‖. Henry, allured by ſo magnificent a gift, without reflecting on the conſequences, without conſulting either with his brother or the parliament, accepted of this inſidious propoſal; and gave the Pope unlimited credit to expend what-

* M. Paris. p. 480. Ann. Burt. p. 305, 373. † M. Paris. p. 474. ‡ M. Paris. p. 476. § M. Paris. p. 650. ‖ Rymer. p. 502, 512, 530. M. Paris. p. 599, 613.

ever ſums he thought neceſſary for compleating the conqueſt of Sicily. Innocent, who was engaged by his own intereſts to make war with Mainfroy, was glad to carry on his enterprizes at the expence of his ally: Alexander IV. who ſucceeded him in the papal throne, continued the ſame policy: And Henry was ſurprized to find himſelf on a ſudden involved in an immenſe debt, which he had never been conſulted in contracting. The ſum already amounted to 135541 marks beſide intereſt *; and he had the proſpect, if he anſwered this demand, of being ſoon loaded with more exorbitant expences; if he refuſed it, of both incurring the Pope's diſpleaſure, and of loſing the crown of Sicily, which he hoped ſoon to have the glory of fixing on the head of his ſon. Chap. XII. 1255.

He applied to the parliament for ſupply; and that he might be ſecure of not meeting with oppoſition, he ſent no writs to the more refractory barons: But even thoſe who were ſummoned, ſenſible of the ridiculous cheat, impoſed by the Pope, determined not to laviſh their money on ſuch chimerical projects, and making a pretext of the abſence of their brethren, they refuſed to take the King's demands into conſideration †. In this extremity the clergy were his only reſource; and as both their temporal and ſpiritual ſovereign concurred in loading them, they were ill able to defend themſelves againſt this united authority.

The Pope publiſhed a croiſade for the conqueſt of Sicily; and required every one, who had taken the croſs againſt the infidels, or had vowed to advance money for their enterprize, to turn the war againſt Mainfroy, a more terrible enemy to the chriſtian faith than any Saracen ‡. He levied a tenth on all eccleſiaſtical benefices in England for three years; and gave orders to excommunicate all biſhops, who made not punctual payment. He granted to the King the goods of inteſtate clergymen; the revenues of vacant benefices; the revenues of all non-reſidents §. But theſe taxations, being levied by ſome rule, were deemed leſs grievous, than another arbitrary impoſition, which aroſe from the ſuggeſtion of the biſhop of Hereford, and which might have opened the door to endleſs and intolerable abuſes.

That prelate, who reſided at the court of Rome by a deputation from the Engliſh church, drew bills of different values, but amounting on the whole to 150540 marks, on all the biſhops and abbots of the kingdom; and granted theſe bills to Italian merchants, who, it was pretended, had advanced money for the ſervice of the war againſt Mainfroy ‖. As there was no likelihood of the Engliſh prelates ſubmitting, without compulſion, to ſuch an extraordinary demand, Ru-

* Rymer. vol. 1 p 587. Chron. Dunſt. vol. 1. p. 319. † M. Paris. p. 614. ‡ Rymer. vol. 1. p 547, 548, &c. § Rymer. vol. 1. p. 597, 598. ‖ M. Paris. p. 612, 628. Chron. T. Wykes. p. 54.

ſtand,

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ſtand, the legate, was charged with the office of employing his authority to that purpoſe; and he ſummoned an aſſembly of the biſhops and abbots, whom he acquainted with the Pope's and the King's pleaſure. Great were the ſurprize and indignation of the aſſembly at the impoſition: The biſhop of Worceſter exclaimed that he would loſe his life rather than comply: The biſhop of London ſaid, that the Pope and King were more powerful than he; but if his mitre were taken off his head, he would clap on a helmet in its place *. The legate was no leſs violent on the other hand; and he told the aſſembly, in plain terms, that all eccleſiaſtical beneſices were the property of the Pope, and he might diſpoſe of them, either in whole or in part, as he ſaw proper †. In the end, the biſhops and abbots, being threatened with excommunication, which made all their revenues fall into the King's hands, were obliged to ſubmit to the exaction: And the only mitigation which the legate allowed them, was, that the tenths, already granted, ſhould be accepted as a partial payment of the bills. But the money was ſtill inſufficient for the Pope's purpoſe: The conqueſt of Sicily was as remote as ever: The demands which came from Rome were endleſs: Pope Alexander became ſo urgent a creditor, that he ſent over a legate into England; threatening the kingdom with an interdict, and the King with excommunication, if the arrears, which he pretended to be due to him, were not inſtantly remitted ‡: And at laſt, Henry, ſenſible of the cheat, began to think of breaking off the agreement, and of reſigning into the Pope's hands that crown, which, it was not intended by Alexander, that he or his family ſhould ever enjoy §.

Earl of Cornwal elected King of the Romans.

THE earl of Cornwal had now reaſon to value himſelf on his foreſight, in refuſing the fraudulent bargain with Rome, and in preferring the ſolid honours of an opulent and powerful prince of the blood in England, before the empty and precarious glory of a foreign dignity. But he had not always firmneſs ſufficient to adhere to this reſolution: His vanity and ambition prevailed at laſt over his prudence and his avarice; and he was engaged in an enterprize equally expenſive and vexatious as that of his brother, and not attended with much greater probability of ſucceſs. The immenſe opulence of Richard having made the German princes caſt their eye on him as a candidate for the empire; he was tempted to expend vaſt ſums of money on his election, and he ſucceeded ſo far as to be choſen King of the Romans, which ſeemed to render his ſucceſſion infallible to the imperial throne. He went over into Germany, and carried out of the kingdom no leſs a ſum than ſeven hundred thouſand marks, if we may believe the

* M. Paris. p. 614. † M. Paris. p. 619. ‡ Rymer. vol. 1. p. 624. M. Paris. p. 618. § Rymer. vol. 1. p. 630.

account

account of ſome antient authors *, which is probably much exaggerated †. His money, while it laſted, procured him friends and partizans: But it was ſoon drained from him by the rapacity of the German princes; and having no perſonal or family connexions in that country, no ſolid foundation of power, he found at laſt, that he had laviſhed away the frugality of a whole life, in order to procure a ſplendid title, and that his abſence from England, joined to the weakneſs of his brother's government, gave reins to the factious and turbulent diſpoſitions of the Engliſh barons, and involved his own country and family in infinite calamities. Chap. XII. 1255.

THE ſucceſsful revolt of the nobility from King John, and their impoſing on him and his ſucceſſors limitations of the royal power, had made them feel their own weight and importance, had ſet a dangerous precedent of reſiſtance, and being followed by a long minority, had impoveriſhed, as well as weakened that crown, which they were at laſt induced, from the fear of worſe conſequences, to re-place on the head of young Henry. In the King's ſituation, either great abilities and vigour were requiſite to overawe the barons, or great caution and reſerve to give them no pretence for complaints; and it muſt be confeſſed, that this prince was poſſeſſed of neither of theſe talents. He had not prudence to chooſe right meaſures; he wanted even that conſtancy, which ſometimes gives weight to wrong ones; he was entirely abandoned to his favourites, who were always foreigners; he laviſhed on them without diſcretion his diminiſhed revenue; and finding, that his barons indulged their diſpoſition towards tyranny, and obſerved not to their own vaſſals the ſame rules, which they had impoſed on the crown, he was apt, in his adminiſtration, to neglect all the ſalutary articles of the great charter; which he remarked to be ſo little regarded by his nobility. This conduct had extremely leſſened his authority in the kingdom; had multiplied complaints againſt him; and had frequently expoſed him to affronts, and even to dangerous attempts upon his prerogative. In the year 1244, when he deſired a ſupply from parliament, the barons, complaining of the frequent breaches of the Diſcontents of the barons.

* M. Paris, p. 638. The ſame author, a few pages before, makes Richard's treaſures amount to little more than half the ſum. p. 634. The King's diſſipations and expences, throughout his whole reign, according to the ſame author, had amounted only to about 940,000 marks. p. 638.

† The ſums mentioned by antient authors, who were all monks, are often improbable, and never conſiſtent. But we know from an infallible authority, the public remonſtrance to the council of Lions, that the King's revenues were below 60,000 marks a year: His brother therefore could never have been maſter of 700,000 marks; eſpecially as he did not ſell his eſtates in England, as we learn from the ſame author: And we hear afterwards of his ordering all his woods to be cut down, in order to ſatisfy the .apacity of the German princes: His ſon ſucceeded to the earldom of Cornwal and his other revenues.

great

Chap. XII. 1255. great charter, and of the many fruitleſs applications which they had formerly made for the redreſs of this and other grievances, demanded in return that he ſhould give them the nomination of the great juſticiary and of the chancellor, to whoſe hands chiefly the adminiſtration of juſtice was committed; and, if we may credit the hiſtorian *, they had formed the plan of other limitations, as well as of aſſociations to maintain them, which would have reduced the King to be an abſolute cypher, and have held the crown in perpetual pupillage and dependance. The King, to ſatisfy them, would agree to nothing but a renewal of the charter, and a general permiſſion to excommunicate all the violators of it: And he received no other ſupply, except their conſent to levy a ſcutage of twenty ſhillings on each knight's fee for the marriage of his eldeſt daughter to the King of Scotland; a burthen, which was expreſsly annexed to their feudal tenures.

FOUR years after, in a very full parliament, when Henry demanded a new ſupply, he was openly reproached with the breach of his word, and the frequent violations of the charter. He was aſked, whether he did not bluſh to deſire any aid from his people, whom he profeſſedly hated and deſpiſed, to whom on all occaſions he preferred aliens and foreigners, and who groaned under the oppreſſions, which he either permitted or exerciſed over them. He was told, that, beſides diſparaging his nobility by forcing them to contract unequal and mean marriages with ſtrangers, no rank of men were ſo low as to eſcape vexations from him or his miniſters; that even the victuals conſumed in his houſhold, the cloaths which himſelf and his ſervants wore, eſpecially the wine, which they uſed, were all taken by violence from the lawful owners, and no compenſation was ever made them for the injury; that foreign merchants, to the great prejudice and infamy of the kingdom, ſhunned the Engliſh harbours, as if they were poſſeſſed by pyrates, and the commerce with all nations was thus cut off by theſe violences; that loſs was added to loſs, and injury to injury, while the merchants, who had been deſpoiled of their goods, were alſo obliged to carry them at their own charges to whatever place the King was pleaſed to appoint them; that even the poor fiſhermen on the coaſt could not eſcape his oppreſſions and thoſe of his courtiers, and finding that they had not the full liberty of diſpoſing of their commodities in the Engliſh market, were frequently conſtrained to carry them to foreign ports, and to hazard all the perils of the ocean rather than thoſe which awaited them from his oppreſſive emiſſaries; and that his very religion was a ground of complaint to his ſubjects, while they obſerved, that the waxen tapers and ſplendid ſilks, employed in ſo many uſeleſs proceſſions, were the ſpoils which he had forcibly

* Math. Paris. p. 432.

raviſhed

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raviſhed from the true poſſeſſors *. Throughout this remonſtrance, in which the complaints, derived from an abuſe of the antient right of purveyance, may be ſuppoſed to be ſomewhat exaggerated, there appears a ſtrange mixture of regal tyranny in the practices which gave riſe to it, and of ariſtocratical liberty or rather licentiouſneſs in the expreſſions employed by the parliament. But a mixture of this kind is obſervable in all the antient feudal governments; and both of them proved equally hurtful to the people.

As the King, in anſwer to their remonſtrance, gave the parliament only good words and fair promiſes, attended with the moſt humble ſubmiſſions, which they had often found deceitful, he obtained at that time no ſupply; and therefore in the year 1253, when he found himſelf again under the neceſſity of applying to parliament, he had provided himſelf of a new pretence, which he deemed infallible, and taking the vow of a Croiſade to the holy land, he demanded their aſſiſtance in that pious enterprize †. The parliament, however, for ſome time ſcrupled compliance; and the eccleſiaſtical order ſent a deputation of four prelates, the primate, the biſhops of Wincheſter, Saliſbury, and Carliſle, in order to remonſtrate with him on his frequent violations of their privileges, the oppreſſions with which he loaded them and all his ſubjects ‡, and the uncanonical and forced elections, which were made to vacant dignities. "It is true," replied the King, "I have been ſomewhat faulty in this particular: I obtruded you, my lord of Can-"terbury, upon your ſee: I was obliged to employ both entreaties and menaces, "my lord of Wincheſter, to have you elected: my proceedings were very irregu-"lar, my lords of Saliſbury and Carliſle, when I raiſed you from the loweſt "ſtations to your preſent dignities: I am determined henceforth to correct theſe "errors; and it will alſo become you, in order to make a thorough reformation, "to reſign your preſent benefices; and try to enter again in a more regular and "canonical manner §." The biſhops, ſurprized at theſe unexpected ſarcaſms, replied, that the queſtion was not at preſent how to correct paſt errors, but to avoid them for the future. The King promiſed redreſs both of eccleſiaſtical and civil grievances; and the parliament in return agreed to grant him a ſupply, a tenth of the eccleſiaſtical benefices and a ſcutage of three marks on each knight's fee: But as they had experienced his frequent breach of promiſe, they required, that he ſhould ratify the great charter in a manner ſtill more authentic and ſolemn than any which he had ever hitherto employed. All the prelates and abbots were aſſembled: They held burning tapers in their hands: The great charter was read before them: They denounced the ſentence of excommunication againſt eve-

* M. Paris, p. 498. See farther, p. 578. M. Weſt. p. 348. 568. Chron. Dunſt. vol. 1. p. 293.

‡ M. Paris, p. 568.

† M. Paris, p. 518, 558,

§ M. Paris, p 579.

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ry one who ſhould thenceforth violate that fundamental law: They threw their tapers on the ground, and exclaimed, *May the ſoul of every one, who incurs this ſentence, ſo ſtink and corrupt in Hell!* The King bore a part in this ceremony: and ſubjoined; "So help me God, I will keep all theſe things inviolate, as I am a "man, as I am a chriſtian, as I am a knight, and as I am a King crowned "and anointed." * Yet was the tremenduous ceremony no ſooner finiſhed, than his favourites, abuſing his weakneſs and facility, made him return to the ſame arbitrary and irregular adminiſtration; and the reaſonable expectations of his people were thus continually eluded and diſappointed †.

1258. Simond de Mountfort earl of Leiceſter.

ALL theſe imprudent and illegal meaſures afforded a pretence to Simon de Mountfort, earl of Leiceſter, to attempt an innovation in the government, and to wreſt the ſcepter from the feeble and irreſolute hand which held it. This nobleman was a younger ſon of that Simon de Mountfort, who had conducted with ſuch valour and renown the Croiſade againſt the Albigenſes, and who, tho' he tarniſhed his famous exploits by cruelty and ambition, had left a name very precious to all the bigots of that age, particularly to the eccleſiaſtics. A large inheritance in England fell by ſucceſſion to this family; but as the elder brother enjoyed ſtill more opulent poſſeſſions in France, and could not perform fealty to two maſters, he transferred his right to Simon, his younger brother, who came over into England, did homage for his lands, and was raiſed to the dignity of earl of Leiceſter. In the year 1238, he eſpouſed Eleanor dowager of William earl of Pembroke, and ſiſter to the King ‡; but the marriage of this princeſs with a ſubject and a foreigner, tho' finiſhed with Henry's conſent, was loudly complained of by the earl of Cornwal, and all the barons of England; and Leiceſter was ſupported againſt their violence, entirely by the King's favour and authority §. But he had no ſooner eſtabliſhed himſelf in his poſſeſſions and dignities, than he acquired by inſinuation and addreſs, a ſtrong intereſt with the nation, and gained equally the affections of all orders of men. He loſt, however, the friendſhip of Henry from the uſual levity and fickleneſs of that prince; he was baniſhed the court; he was recalled; he was entruſted with the command of Guienne ‖, where he did good ſervice and acquired honour; he was again diſgraced by the King, and his baniſhment from court ſeemed now final and irrevocable. Henry called him a traitor to his face: Leiceſter gave him the lye, and told him, that, if he were not his ſovereign, he would ſoon make him re-

* M. Paris, p. 580. Ann. Burt. p. 323. Ann. Waverl. p. 210. W. Heming. p. 571. M. Weſt. p. 353. † M. Paris, p. 597, 608. ‡ M. Paris, p. 314. § M. Paris, p. 315. ‖ Rymer. vol. 1. p. 459, 513.

pent of that inſult. Yet was this quarrel accommodated either from the good nature or timidity of the King; and Leiceſter was again admitted into ſome degree of favour and authority. But as this nobleman was become too great to preſerve an entire complaiſance to Henry's humours, and to act in ſubſerviency to his other minions; he found more advantage in cultivating his intereſt with the public, and in inflaming the general diſcontents, which prevailed againſt the adminiſtration. He filled every place with complaints againſt the infringement of the great charter, the violences committed on the people, the combination between the Pope and the King in their tyranny and extortions, Henry's neglect of his native ſubjects and barons; and tho' himſelf a foreigner, he was more loud than any in repreſenting the indignity of ſubmitting to the dominion of foreigners. By his hypocritical pretenſions to devotion, he gained the favour of the zealots and clergy: By his ſeeming concern for public good, he acquired the affections of the public: And beſides the private friendſhips, which he had cultivated with the barons, his animoſity againſt the favourites bred an union of intereſts between him and that powerful order. Chap. XII. 1258.

A recent quarrel, which broke out between Leiceſter and William de Valence, Henry's half brother, a chief favourite, brought matters to extremity †, and determined the former to give full ſcope to his bold and unbounded ambition, which the laws and the King's authority had hitherto with difficulty reſtrained. He ſecretly called a meeting of the moſt conſiderable barons, particularly Humphrey de Bohun, high conſtable, Roger Bigod, earl Mareſchal, and the earls of Warwick and Gloceſter; men, who by their family and poſſeſſions ſtood in the firſt rank of the Engliſh nobility. He repreſented to this company the neceſſity of reforming the ſtate, and of putting the execution of the laws into other hands than thoſe which had hitherto appeared from repeated experience, ſo unfit for the charge, with which they were entruſted. He exaggerated the oppreſſions of the lower orders of the ſtate, the violations of the barons' privileges, the continued plunder of the clergy; and in order to aggravate the enormity of this conduct, he appealed to the great charter, which Henry had ſo often ratified, and which was calculated to prevent for ever the return of theſe intolerable grievances. He magnified the generoſity of their anceſtors, who, at an infinite expence of blood, had extorted that famous conceſſion from the crown; but lamented their own degeneracy, who allowed ſo great an advantage, once obtained, to be wreſted from them by a weak prince and by inſolent ſtrangers. And he inſiſted, that the King's word, after ſo many ſubmiſſions and fruitleſs promiſes on his part, could no longer be relied on; and that nothing but his abſolute inability

† M. Paris, p. 649.

Chap. XII. 1258.

to violate national privileges could henceforth enſure the regular obſervance of them.

THESE topics, which were founded in truth, and ſuited ſo well the ſentiments of the company, had the deſired effect; and the barons entered into a reſolution of redreſſing the public grievances, by taking into their own hands the adminiſtration of the government. The King having ſummoned a parliament, in expectation of receiving ſupplies for his Sicilian project, the barons appeared in the hall, clad in complete armour, and with their ſwords by their ſide; and the King on his entry, ſtruck with this unuſual appearance, aſked them what was their meaning, and whether they pretended to make him their priſoner *? Roger Bigod replied in the name of the reſt, that he was not their priſoner, but their ſovereign; that they even intended to grant him large ſupplies, in order to fix his ſon on the throne of Sicily; that they only expected ſome return for this expence and ſervice; and that, as he had frequently made ſubmiſſions to the parliament, had acknowleged his paſt errors, and had ſtill allowed himſelf to be carried into the ſame path, which gave them ſuch juſt reaſon of complaint, he muſt now yield to more ſtrict regulations, and confer authority on thoſe who were able and willing to redreſs the public grievances. Henry, partly allured by the hopes of ſupply, partly intimidated by the union and martial appearance of the barons, agreed to their demand; and promiſed to ſummon another parliament at Oxford, in order to digeſt the new plan of government, and to elect the perſons, who were to be entruſted with the chief authority.

11. June.

Proviſions of Oxford.

THIS parliament, which the royaliſts, and even the nation, from experience of the confuſions that attended its meaſures, afterwards denominated the *mad parliament*, met on the day appointed; and as all the barons brought along with them their military vaſſals, and appeared with an armed force, the King, who had taken no precautions againſt them, was in reality a priſoner in their hands, and was obliged to ſubmit to all the terms which they were pleaſed to impoſe upon him. Twelve barons were ſelected from the King's council; twelve more were choſen by parliament: To theſe twenty-four, unlimited authority was granted of reforming the ſtate; and the King himſelf took an oath, that he would maintain whatever ordinances they ſhould think proper to enact for that purpoſe †. Leiceſter was at the head of this ſupreme council, to which the legiſlative power was thus in reality transferred; and all their meaſures were taken by his ſecret influence and direction. Their firſt ſtep bore a ſpecious appearance, and ſeemed well calculated for the end, which they profeſſed to be the object of

* Annal. Theokeſbury. † Rymer vol. 1. p. 655. Chron. Dunſt. vol. 1. p. 334. Knyghton p. 2445.

all

all these innovations: They ordered that four knights should be chosen by each county; that they should make enquiry into the grievances of which their neighbourhood had reason to complain, and should attend the next ensuing parliament, in order to give information to that assembly of the state of their particular counties *: A nearer approach to our present constitution than had been made by the barons in the reign of King John, when the knights were only appointed to meet in their counties, and there to draw up a detail of their grievances. Mean while, the twenty-four barons proceeded to enact some regulations, in order to provide a redress for such grievances as were supposed to be notorious to all the world. They ordered, that three sessions of parliament should be regularly held every year, in the months of February, June, and October; that a new high sheriff should be elected every year by the votes of the freeholders in each county †; that the sheriffs should have no power of fining the barons who did not attend at their courts, or the circuits of the justiciaries; that no heirs should be committed to the wardship of foreigners, and no castles be entrusted to their custody; and that no new warrens or forests should be created, nor the revenues of any counties or hundreds be let to farm. Such were the regulations which the twenty-four barons enacted at Oxford, for the redress of public grievances ‡. Chap. XII. 1258.

But the earl of Leicester and his associates, having advanced so far to satisfy the nation, instead of continuing in this popular course, or granting the King that supply which they had promised him, immediately made provisions for the extension and continuance of their own unlimited authority. They rouzed anew the popular clamour, which had long prevailed against foreigners; and they fell with the utmost violence on the King's half brothers, who were supposed to be the authors of all national grievances, and whom Henry had no longer any power to protect. The four brothers, sensible of their danger, took to flight with an intention of making their escape out of the kingdom; they were eagerly pursued by the barons; Aymer, one of the brothers, who had been elected to the see of Winchester, took shelter in his episcopal palace, and carried the others along with him; they were surrounded in that place, and threatened to be dragged out by force, and to be punished for their crimes and misdemeanors; and the King, pleading the sacredness of an ecclesiastical sanctuary, was glad to extricate them from this danger by banishing them the kingdom §. In this act of violence, as well as in the former usurpations of the barons, the queen and her uncles were thought to have

* M. Paris p. 657, Addit. p. 140. Ann. Burt. p. 412. † Chron. Dunst. vol. 1. p. 336.
‡ Ann. Burt. p. 413. § M. Paris p. 654. Ann. Burt. p. 411. Chron. T. Wykes p. 53. W. Heming p. 579. Chron. Dunst. p. 335. M. West. p. 364. Ypod. Neust. p. 467. Knyghton. p. 2445.

secretly

Chap. XII. 1258. secretly concurred, being jealous of the credit, acquired by the brothers, which they imagined, had eclipsed and annihilated their own *.

Usurpations of the barons.

But the subsequent proceedings of the twenty four barons were sufficient to open the eyes of the whole kingdom, and to prove their intention of reducing for ever both the King and the people under the arbitrary power of a very narrow aristocracy, which must at last have terminated either in anarchy, or in a violent usurpation and tyranny. They pretended, that they had not as yet digested all the regulations necessary for the reformation of the state, and for the redress of grievances; and that they must still retain their power, till that great purpose was thoroughly effectuated: In other words, that they must be perpetual governors, and must continue to reform, till they were pleased to demit their authority. They formed an association among themselves, and swore that they would stand by each other with their lives and fortunes: They displaced all the chief officers of the crown, the high justiciary, the chancellor, the treasurer; and advanced either themselves or their own creatures in their stead: Even the offices of the King's household were disposed of at their pleasure: The government of all the castles was put into hands in whom they found reason to confide: And the whole power of the state being thus transferred to them, they ventured to impose an oath on every individual of the nation; in which the subjects were obliged to swear, under the penalty of being declared public enemies, that they would obey and execute all the regulations, both known and unknown, of the twenty-four barons: And all this, for the greater glory of God, the honour of the church, the service of the King, and the advantage of the kingdom †. No one dared to withstand this tyrannical authority: Prince Edward himself, the King's eldest son, a youth of eighteen years of age, who began to give indications of that great and manly spirit, which appeared throughout the whole course of his life, was, after making some opposition, constrained to take that oath, which really deposed him and his family from sovereign authority ‡. Earl Warrenne was the last person in the kingdom, who could be brought to give the confederated barons this mark of submission.

But the twenty four barons, not content with the usurpation of the royal power, introduced an innovation in the constitution of parliament, which was of the utmost importance. They ordained, that that assembly should choose a committee of twelve persons, who should, in the intervals of the sessions, possess the authority of the whole parliament, and should attend on a summons the person of the King, in all his motions. But so powerful were these barons, that this regulation was also submitted to; the whole government was over-

* Ann. Waverl. p. 210. † Chron. T. Wykes p. 52. ‡ Ann. Burt. p. 411.

thrown

thrown or fixed on new foundations; and the monarchy was totally ſubverted, without its being poſſible for the King to ſtrike a ſingle ſtroke in defence of the conſtitution againſt the newly erected ariſtocracy. Chap. XII.

THE report that the King of the Romans intended to pay a viſit to England, gave alarm to the ruling barons; and they dreaded leſt the extenſive influence and eſtabliſhed authority of that prince would be employed to reſtore the prerogatives of his family, and overturn their new plan of government *. They ſent over the new biſhop of Worceſter, who met him at St. Omars; aſked him in the name of the barons, the reaſon of his journey, and how long he intended to ſtay in England; and inſiſted, that before he entered the kingdom, he ſhould ſwear to obſerve the regulations eſtabliſhed at Oxford. On Richard's refuſal to take this oath, they prepared to reſiſt him as a public enemy; they fitted out a fleet, aſſembled an army, and exciting the inveterate prejudices of the people againſt foreigners, from whom they had ſuffered ſo many oppreſſions, ſpread the report, that Richard intended to reſtore by force the authority of his exiled brothers, and to violate all the ſecurities provided for public liberty. The King of the Romans was at laſt obliged to ſubmit to the terms required of him †. 1259.

BUT the barons, in proportion to their continuance in power, began gradually to loſe that popularity, which had aſſiſted them in obtaining it; and men repined that regulations, which were only eſtabliſhed during a time for the reformation of the ſtate, were likely to become perpetual, and to ſubvert entirely the antient conſtitution. They dreaded, that the power of the nobles, which was always oppreſſive, would now exert itſelf without controul, by removing the counterpoiſe of the crown; and their apprehenſions were encreaſed by ſome new edicts of the barons, which were plainly calculated to procure to themſelves an impunity in all their violences. They appointed, that the circuits of the itinerant juſtices, the ſole check on their arbitrary conduct; ſhould be held only once in ſeven years; and men eaſily ſaw, that a remedy, which returned after ſuch long intervals, againſt an oppreſſive power, which was perpetual, would prove totally inſignificant and uſeleſs ‡. The cry became loud in the nation, that the barons ſhould finiſh their intended regulations. The knights of the ſhires, who ſeem now to have been pretty regularly aſſembled in a ſeparate houſe, made remonſtrances againſt the ſlowneſs of their proceedings; they repreſented, that, though the King had performed all the conditions required of him, the barons had hitherto done nothing for the public good, and had been only careful to promote their own private advantage, and to commit injury on the crown; and they even appealed

* M. Paris, p. 661. † M. Paris, p. 661, 662. Chron. T. Wykes p. 53. ‡ M. Paris p. 667. Trivet. p. 209.

Chap. XII. 1259. to prince Edward, and claimed his interpoſal for the intereſts of the nation, and the reformation of the government *. The prince replied, that though it was from conſtraint, and contrary to his private ſentiments, he had ſworn to adhere to the proviſions of Oxford, he was determined to obſerve his oath: But he ſent a meſſage to the barons, requiring them to bring their undertaking to a ſpeedy concluſion, and fulfil their engagements to the public: Otherwiſe, he menaced them, that, at the expence of his life, he would oblige them to do their duty, and would ſhed the laſt drop of his blood in promoting the intereſts, and ſatisfying the juſt wiſhes of the nation †.

THE barons, urged by ſo preſſing a neceſſity, publiſhed at laſt a new code of ordinances for the reformation of the ſtate ‡: But the expectations of the people were extremely diſappointed, when they found, that theſe conſiſted only of ſome trivial alterations on the municipal law; and ſtill more ſo, when the barons pretended, that the taſk was not yet finiſhed, and that they muſt farther prolong their authority, in order to bring the work of reformation to the deſired period. The current of popularity was now much turned to the ſide of the crown; and the barons had little more to rely on for their ſupport, beſides the private influence and power of their families, which, though exorbitant, was likely to prove inferior to the combination of King and people. Even this baſis of power was daily weakened by their inteſtine jealouſies and animoſities; their antient and inveterate quarrels broke out when they came to divide the ſpoils of the crown; and the rivalſhip between the earls of Leiceſter and Gloceſter, the chief leaders among them, began to disjoint the whole confederacy. The latter, more moderate in his pretenſions, was deſirous of ſtopping or retarding the career of the barons' uſurpations; but the former, enraged at the oppoſition which he met with in his own party, pretended to throw up all concern in Engliſh affairs; and he retired into France §.

THE kingdom of France, the only ſtate with which England had any conſiderable intercourſe, was at this time governed by Lewis IX. a prince of the moſt ſingular character, which is to be met with in all the records of hiſtory. This monarch united to the mean and abject ſuperſtition of a monk, all the courage and magnanimity of the greateſt hero; and, what may be deemed more extraordinary, the juſtice and integrity of the moſt diſintereſted patriot, to the mildneſs and humanity of the moſt accompliſhed philoſopher. So far from taking advantage of the diviſions of the Engliſh, or attempting to expel thoſe dangerous rivals from the provinces, which they ſtill poſſeſſed in France; he had entertained many ſcruples with

* Annal Burt. p. 427. † Annal. Burt. p. 427. ‡ Annal. Burt. p. 428, 439. § Chron. Dunſt. vol. 1. p. 348.

regard

regard to the forfeiture pronounced againſt the King's father, had even expreſſed ſome intention of reſtoring the other provinces, and he was only prevented from taking that imprudent reſolution, by the united remonſtrances of his own barons, who repreſented the extreme danger of ſuch a meaſure *, and, what had a greater influence on Lewis, the juſtice of puniſhing by a legal ſentence the barbarity and felony of John. Wherever this prince interpoſed in Engliſh affairs, it was always with an intention of compoſing the differences between the King and his nobility; he recommended to both parties every peaceable and reconciling meaſure; and he uſed all his authority with the earl of Leiceſter, his native ſubject, to bend him to a compliance with Henry. He made a treaty with England, at a time, when the diſtractions of that kingdom were at the greateſt height, and when the King's authority was totally annihilated; and the terms, which he granted, might, even in a more proſperous ſtate of their affairs, be deemed reaſonable and advantageous by the Engliſh. He yielded up ſome territories which had been conquered from Poictou and Guienne; he enſured the peaceable poſſeſſion of the latter province to Henry: he agreed to pay that prince a large ſum of money; and he only required that the King ſhould, in return, make a final ceſſion to France of Normandy, and the other provinces, which he could never entertain any hopes of recovering by force of arms †. This ceſſion was ratified by Henry, by his two ſons, and two daughters, and by the King of the Romans and his three ſons: Leiceſter alone, either moved by a vain arrogance, or deſirous to ingratiate himſelf with the Engliſh populace, proteſted againſt the deed, and inſiſted on the right, however diſtant, which might accrue to his counteſs ‡. Lewis ſaw in this obſtinacy the unbounded ambition of the man; and as the barons inſiſted, that the money which was due by treaty, ſhould be at their diſpoſal, not at Henry's, he alſo ſaw, and probably with regret, the low condition to which this monarch, who had more erred from weakneſs than malice, was reduced by the turbulency of his own ſubjects.

Chap. XII. 1259. 20 May.

But the ſituation of Henry changed ſoon after much to his advantage. The twenty-four barons had now enjoyed the ſovereign power for near three years; and had viſibly employed it, not for the reformation of the ſtate, which was their firſt pretence, but for the aggrandizement of themſelves and of their families. The breach of truſt was apparent to all the world: Every order of men felt and murmured againſt it: The diſſentions among the barons themſelves, which encreaſed the evil, made alſo the remedy more obvious and eaſy: And the ſecret

1261.

* M. Paris, p. 604. † Rymer. vol. 1. p. 675. M. Paris, p. 566. Chron. T. Wykes. p. 53. Trevit. p. 208. M. Weſt. p. 371. ‡ Chron. T. Wykes. 53.

Chap. XII. 1261.

deſertion in particular of the earl of Gloceſter to the crown, ſeemed to promiſe Henry certain ſucceſs in any attempt to reſume his authority. Yet dared he not to take that ſtep, ſo reconcilable both to juſtice and policy, without making a previous application to Rome, and obtaining an abſolution from his oaths and engagements.

THE Pope was at that time very much diſſatisfied with the conduct of the barons; who, in order to gain the favour of the people and clergy of England, had expelled all the Italian eccleſiaſtics, had confiſcated their benefices, and ſeemed determined to maintain the liberties and privileges of the Engliſh church, in which the rights of patronage, belonging to their own families, were alſo included. The extreme animoſity of the Engliſh clergy againſt the Italians, was alſo a ſource of his diſguſt to this order; and an attempt which had been made by them for farther liberty and independance on the civil power, was therefore leſs acceptable to the court of Rome. About the ſame time, that the barons at Oxford had annihilated the prerogatives of the monarchy, the clergy met in a ſynod at Merton, and paſſed ſeveral decrees, which were no leſs calculated to promote their own grandeur at the expence of the crown. They decreed, that it was unlawful to try the eccleſiaſtics by ſecular judges; that the clergy were not to regard any prohibitions from civil courts; that lay patrons had no right to confer ſpiritual benefices; that the magiſtrate was obliged, without farther enquiry, to impriſon all excommunicated perſons; and that antient uſage, without any particular grant or charter, was a ſufficient authority for any clerical poſſeſſions or privileges *. About a century ago, theſe claims would have been ſanctified by the court of Rome beyond the moſt fundamental articles of faith: They were the chief points maintained by the great martyr, Becket; and his reſolution in defending them had exalted him to the high ſtation which he held in the catalogue of Romiſh ſaints: But principles were changed with the times: The Pope was become ſomewhat jealous of the great independance of the Engliſh church, which made them ſtand leſs in need of his protection, and even emboldened them to reſiſt his authority, and complain of the preference given to the Italian courtiers, whoſe intereſts, it is natutural to imagine, were the chief object of his concern. He was very ready, therefore, on the King's application, to annul theſe new conſtitutions of the church of England †. And at the ſame time, he abſolved the King and all his ſubjects from the oath, which they had taken to obſerve the proviſions of Oxford ‡.

Prince Edward.

Prince Edward, whoſe enlarged thoughts, though in ſuch early youth, had taught him the great prejudice, which his father had incurred, by his levity, in-

* Ann. Burt. p. 389. † Rymer, vol. 1. p. 755. ‡ Rymer, vol. 1. p. 722. M. Paris, p. 666. W. Heming. p. 580. Ypod. Neuſt. p. 468. Knyghton, p. 2446.

conſtancy and frequent breach of promiſe, refuſed for a long time to take advantage of this abſolution; and declared that the proviſions of Oxford, however unreaſonable in themſelves, and however much abuſed by the barons, ought ſtill to be adhered to by thoſe who had ſworn to obſerve them *: He himſelf had been conſtrained by violence to take that oath; yet was he determined to keep it. By this ſcrupulous fidelity, the prince acquired the confidence of all parties, and was afterwards enabled to recover fully the royal authority, and to perform ſuch great actions both during his own reign and that of his father. Chap. XII. 1261.

The ſituation of England, during this period, as well as that of moſt European kingdoms, was ſomewhat peculiar. There was no regular military force maintained in the nation: The ſword, however, was not, properly ſpeaking, in the hands of the people: The barons were entruſted entirely with the defence of the community; and after any effort, which they made, either againſt their own prince, or againſt foreigners, as the military retainers departed to their own home, the armies were diſſolved, and could not ſpeedily be re-aſſembled at pleaſure. It was eaſy therefore, for a few barons, by a combination, to get the ſtart of the other party, to collect ſuddenly their troops, and to appear unexpectedly in the field with an army, which their antagoniſts, though equal or even ſuperior in power and intereſt, would not dare to encounter. Hence the ſudden revolutions, which were obſervable in theſe governments: Hence the frequent victories obtained without a blow by one faction over another: And hence it happened, that the ſeeming prevalence of a party, was ſeldom a prognoſtic of its long continuance in power and authority.

The King, ſo ſoon as he received the Pope's abſolution from his oath, which was accompanied with menaces of excommunication againſt all oppoſers, truſting to the countenance of the church, to the ſupport promiſed him by many conſiderable barons, and to the returning favour of the people, immediately took off the maſk, and after juſtifying his conduct by a proclamation, in which he ſet forth the private ambition, and the breach of truſt, conſpicuous in Leiceſter and his aſſociates, declared that he had reſumed the government, and was determined thenceforth to exert the royal authority for the protection of his ſubjects. He removed Hugh le d'Eſpenſer and Nicholas de Ely, the high juſticiary and chancellor appointed by the barons; and put Philip Baſſet and Walter de Merton in their place. He ſubſtituted new ſheriffs in all the counties, men of character and reputation: He placed new governors in moſt of the caſtles: He changed all the officers of his houſhold: He ſummoned a parliament, in which the reſump- 1262. 23d April.

* M. Paris, p. 667.

Chap. XII. 1262. tion of his authority was ratified, with only five diſſenting voices: And the barons, after making one fruitleſs effort, to take the King by ſurprize at Wincheſter, were obliged to acquieſce in thoſe new regulations *.

THE King, in order to cut off every objection to his conduct, offered to refer all the differences between him and the earl of Leiceſter, to Margaret queen of France †. The celebrated integrity of Lewis gave a mighty influence to any deciſion which iſſued from his court; and Henry probably hoped, that the gallantry, on which all barons, as true knights, valued themſelves, would make them aſhamed not to ſubmit to the award of that princeſs. Lewis entirely merited the confidence repoſed in him. By an admirable conduct, probably as political as juſt, he continually interpoſed his good offices to allay the civil diſcords of the Engliſh: He forwarded all healing meaſures, which might give ſecurity to both parties: And he ſtill endeavoured, tho' in vain, to ſooth by perſuaſion the fierce ambition of the earl of Leiceſter, and to convince him how much it was his duty to ſubmit peaceably to the authority of his ſovereign.

1263. THAT bold and artful conſpirator wasno wiſe diſcouraged with the bad ſucceſs of his paſt enterprizes. The death of Richard earl of Gloceſter, who was his chief rival in power, and who, before his deceaſe, had joined the royal party, ſeemed to open a new field to his violence, and to expoſe the throne to freſh inſults and injuries. It was in vain, that the King profeſſed his intentions of obſerving ſtrictly the great charter, even of maintaining all the regulations made by the reforming barons at Oxford or afterwards, except thoſe which entirely annihilated the royal authority: Theſe powerful chieftains, now obnoxious to the court, could not peaceably reſign the hopes of entire independance and uncontrouled power with which they had flattered themſelves, and which they had ſo long enjoyed. Many of them engaged in Leiceſter's views, and among the reſt, Gilbert, the young earl of Gloceſter, who brought him a mighty acceſſion of power, from the extenſive authority poſſeſt by that opulent family. Even Henry, ſon of the King of the Romans, commonly called Henry d' Allmaine, tho' a prince of the blood, joined the party of the barons againſt the King, the head of his own family. Leiceſter himſelf, who ſtill reſided in France, formed ſecretly the links of this great conſpiracy, and planned the whole ſcheme of operations.

Civil wars of the barons.

THE princes of Wales, notwithſtanding the great power of the monarchs, both of the Saxon and Norman line, ſtill preſerved authority in their own country; and tho' they had often been conſtrained to pay tribute to the crown of Eng-

* M. Paris, p. 668. Chron. T. Wykes, p. 55. † Rymer, vol. 1. p. 724.

land, they were with difficulty retained in ſubordination or even in peace; and almoſt throughout every reign ſince the conqueſt, had infeſted the Engliſh frontiers with ſuch petty incurſions and ſudden inroads, as ſeldom merited to have place in a general hiſtory. The Engliſh, ſtill contented with repelling their invaſions, and chacing them back into their barren mountains, had never purſued the advantages obtained againſt them, nor attempted, even under their greateſt and moſt active princes, a total, or ſo much as a feudal ſubjection of the country. This advantage was reſerved to the preſent King, the weakeſt and moſt indolent. In the year 1237, Lewellen, prince of Wales, declining in years and broke with infirmities, but ſtill more harraſſed with the rebellion and undutiful behaviour of his ſon, Griffin, had recourſe to the protection of Henry; and conſenting to ſubject his principality, which had ſo long maintained its independance, to vaſſalage under the crown of England, purchaſed ſecurity and tranquillity on theſe diſhonourable terms. His eldeſt ſon and heir, David, renewed the homage to England; and having taken his brother priſoner, delivered him into Henry's hands, who committed him to cuſtody in the Tower. That prince, endeavouring to make his eſcape from confinement, loſt his life in the attempt; and the prince of Wales, freed from the apprehenſions of ſo dangerous a rival, paid thenceforth leſs regard to the Engliſh monarch, and even renewed thoſe incurſions, by which the Welch, during ſo many ages, had been accuſtomed to infeſt their borders. Lewellyn, however, the ſon of Griffin, who ſucceeded to his uncle, had been obliged to renew the homage, which was now claimed by England as an eſtabliſhed right; but he was well pleaſed to inflame thoſe civil diſcords, on which he reſted his preſent ſecurity, and founded his hopes of future independance. He entered into a confederacy with the earl of Leiceſter, and collecting all the force of his principality, invaded England with an army of 30,000 men. He ravaged the lands of Roger de Mortimer and of all the barons, who adhered to the crown *; he marched into Cheſhire, and committed like depredations on prince Edward's territories; every place, where his diſorderly troops appeared, was laid waſte with fire and ſword; and tho' Mortimer, a gallant and expert ſoldier, made ſtout reſiſtance, it was found neceſſary, that the prince himſelf ſhould head the army againſt this invader. Edward repulſed prince Lewellen, and obliged him to take ſhelter in the mountains of North Wales: But he was prevented from making farther progreſs againſt the enemy, by the diſorders, which ſoon after broke out in England. Chap. XII. 1263.

THE Welſh invaſion was the appointed ſignal for the malecontent barons to riſe in arms; and Leiceſter coming over ſecretly from France, collected all the

* Chron. Dunſt. vol. 1. p. 354.

forces

Chap. XII. 1263. forces of his party, and commenced an open rebellion. He ſeized the perſon of the biſhop of Hereford; a prelate very obnoxious to all the inferior clergy, on account of his devoted attachment to the court of Rome†. Simon, biſhop of Norwich, and John Manſel, becauſe they had publiſhed the Pope's bull, abſolving the King and kingdom from their oaths to obſerve the proviſions of Oxford, were made priſoners, and expoſed to the utmoſt rage of the party. The King's demeſnes were ravaged with unbounded fury‡; and as it was Leiceſter's intereſt to allure to his ſide, by the hopes of plunder, all the diſorderly ruffians in England, he gave them a general licence to pillage the barons of the oppoſite party, and even all neutral perſons. But one of the principal reſources of his faction was the populace of the cities, particularly of London; and as he had, by his hypocritical pretenſions to ſanctity, and his zeal againſt Rome, engaged all the monks and lower eccleſiaſtics in his party, his dominion over the inferior ranks of men became abſolutely uncontrolable. Thomas Fitz-Richard, the mayor of London, a furious and licentious man, gave the countenance of authority to theſe diſorders in London; and having declared war againſt the ſubſtantial citizens, he looſened all the bands of government, by which that turbulent city was commonly but ill reſtrained. On the approach of Eaſter, the zeal of ſuperſtition, the appetite for plunder, or what is often as prevalent with the populace as either of theſe motives, the pleaſure of committing havock and deſtruction, prompted them to attack the unhappy Jews, who were firſt pillaged without reſiſtance, and then maſſacred, to the number of five hundred perſons§. The Lombard bankers were next expoſed to the rage of the people; and tho', by taking ſanctuary in the churches, they eſcaped with their lives, all their money and goods became a prey to the licentious multitude. Even the houſes of the rich citizens, tho' Engliſh, were attacked by night; and way was made by ſword and by fire to the depredation of their goods, and often to the deſtruction of their perſons. The queen, who, tho' ſhe was defended by the Tower, was terrified by the neighbourhood of ſuch dangerous commotions, reſolved to go by water to the caſtle of Windſor; but as ſhe approached the bridge, the populace aſſembled againſt her: The cry ran, *drown the witch*; and beſides abuſing her with the moſt ſcurrilous language, and pelting her with rotten eggs and dirt, they had prepared large ſtones to ſink her barge, when ſhe ſhould attempt to ſhoot the bridge; and ſhe was ſo frightened that ſhe returned to the Tower‖.

THE violence and fury of Leiceſter's faction had riſen to ſuch a height in all parts of England, that the King, unable to reſiſt their power, was obliged to

† Trevet, p. 211. M. Weſt. p. 382, 392. ‡ Trevet, p. 211. M. Weſt. p. 382.
§ Chron. T. Wykes, p. 59. ‖ Chron. T. Wykes, p. 57.

ſet

ſet on foot a treaty of peace; and to make an accommodation with the barons on the moſt diſadvantageous terms *. He agreed to confirm anew the proviſions of Oxford, even thoſe which entirely annihilated the royal authority; and the barons were again re-inſtated in the ſovereignty of the kingdom. They reſtored Hugh le D'eſpenſer to the office of high juſticiary; they appointed their own creatures ſheriffs in every county of England; they took poſſeſſion of all the royal caſtles and fortreſſes; they even named all the officers of the King's houſhold; and they ſummoned a parliament to meet at Weſtminſter, in order to ſettle more fully their plan of government. They here produced a new liſt of twenty four barons, to whom they propoſed, that the adminiſtration ſhould be entirely committed; and they inſiſted, that the authority of this junto ſhould continue, not only during the reign of the King, but alſo during that of prince Edward. Chap. XII. 1263. 18th July. 14th Oct.

THIS prince, who was the life and ſoul of the royal party, had unhappily, before the King's accommodation with the barons, been taken priſoner by Leiceſter in a parley at Windſor †; and this misfortune, more than any other incident, had determined Henry to ſubmit to the ignominious conditions impoſed upon him. But having recovered his liberty by the treaty, Edward employed his activity in defence of the prerogatives of his family; and he gained a large party even among thoſe who had at firſt adhered with the greateſt zeal to the cauſe of the barons. His couſin, Henry d' Allmaine, Roger Bigod earl Mareſhal, earl Warrenne, Humphrey Bohun earl of Hereford, John lord Baſſet, Ralph Baſſet, Hamon l' Eſtrange, Roger Mortimer, Henry de Piercy, Robert de Brus, Roger de Leyborne, with almoſt all the Lords Marchers, as they were called, on the borders of Wales and Scotland, the moſt warlike parts of the kingdom, declared in favour of the royal cauſe; and hoſtilities, which were ſcarce well compoſed, were again renewed in every part of England. But the near balance of the parties, joined to the univerſal clamour of the people, obliged the King and barons to open anew the negotiations for peace; and it was agreed by both ſides, to ſubmit the differences entirely to the arbitration of the King of France. ‡.

THIS virtuous prince, the only man, who, in like circumſtances, could ſafely have been intruſted with ſuch an authority by a neighbouring nation, had never ceaſed to interpoſe his good offices between the Engliſh factions; and had even, during the ſhort interval of peace, invited over to Paris both the King and the earl of Leiceſter, in order to accommodate the differences between them; but found, that the fears and animoſities on both ſides, as well as the ambition of Leiceſter, were ſo violent, as to render all his endeavours ineffectual. But when Reference to the King of France.

* Chron. Dunſt. vol. 1. p. 358. Trivet, p. 211. † M. Paris, p. 669. Trivet, p. 213.
‡ M. Paris, p. 668. Chron. T. Wykes, p. 58. W. Heming. p. 580. Chron. Dunſt. vol. 1. p. 363.

this

Chap. XII. 1263. this ſolemn appeal, ratified by the oaths and ſubſcriptions of the leaders in each faction, was made to his judgment, he was not diſcouraged from purſuing his honourable purpoſe: He ſummoned the ſtates of France at Amiens; and there, in the preſence of that aſſembly, as well as in that of the King of England and Peter de Montfort, Leiceſter's ſon, he brought this great cauſe to a trial and examination. It appeared to him, that the proviſions of Oxford, even had they not been extorted by force, had they not been ſo exorbitant in their nature and ſubverſive of the antient conſtitution, were expreſsly eſtabliſhed as a temporary expedient, and could not, without breach of truſt, be rendered perpetual by the barons. He therefore annulled theſe proviſions; reſtored to the King the poſſeſſion of his caſtles, and the power of nomination to the great offices; allowed him to retain what foreigners he pleaſed in his kingdom, and even to confer on them places of truſt and dignity; and in a word, re-eſtabliſhed the royal power on the ſame footing, on which it ſtood before the meeting of the famous parliament at Oxford. But while he thus ſuppreſſed dangerous innovations, and preſerved unimpaired the prerogatives of the Engliſh crown, he was not negligent of the rights of the people; and beſides ordering that a general amneſty ſhould be granted for all paſt offences, he declared that his award was not any wiſe meant to derogate from the privileges and liberties, which the nation enjoyed by any former conceſſions or charters from the crown *.

1264.

23d Jan.

THIS equitable ſentence was no ſooner known in England, than Leiceſter and his confederates determined to reject it, and to have recourſe to arms, in order to procure to themſelves more ſafe and advantageous conditions from the King †. Without regard to his oaths and ſubſcriptions, that enterprizing conſpirator ordered his two ſons, Richard and Peter de Montfort, in conjunction with Robert de Ferrars, earl of Derby, to attack the city of Worceſter; while Henry and Simon de Montfort, two others of his ſons, aſſiſted by the prince of Wales, were ordered to commit ravages on the eſtate of Roger de Mortimer. He himſelf reſided at London; and employing as his inſtrument, Fitz-Richard, the ſeditious mayor, who had violently and illegally prolonged his authority, he wrought up that city to the higheſt ferment and agitation. The populace formed themſelves into bands and companies: Choſe leaders: Practiſed all military exerciſes: Committed violence on all the royaliſts: And to give them greater countenance in their diſorders, an aſſociation was entered into between the city and eighteen great barons, never to make peace with the King but by common conſent and approbation. At the head of thoſe who ſwore to maintain this aſſociation, were

Renewal of the civil wars.

* Rymer, vol. 1. p. 776, 777, &c. Chron. T. Wykes, p. 58. Knyghton, p. 2446. † Chron. Dunſt. vol. 1. p. 363.

the

the earls of Leiceſter, Gloceſter and Derby, with le d' Eſpenſer, the chief juſti- Chap. XII.
ciary; men who had all previouſly ſworn to ſubmit to the award of the French 1264.
monarch. Their only pretence for this breach of faith, was, that the latter part of Lewis's ſentence was, as they affirmed, a contradiction to the former: He ratified the charter of liberties, yet annulled the proviſions of Oxford; which were only calculated, as they maintained, to preſerve that charter; and without which, in their eſtimation, they had no ſecurity for its obſervance.

THE King and prince, finding a civil war inevitable, prepared themſelves for defence; and ſummoning the military vaſſals from all quarters, and being re-inforced by Baliol, lord of Galloway, Brus lord of Annandale, Henry Piercy, John Comyn *, and other barons of the north, they compoſed an army, formidable as well from its numbers, as its military proweſs and experience. The firſt enterprize of the royaliſts was the attack of Northampton; which was defended by Simon de Montfort, with many of the principal barons of that party: And a breach being made in the walls by Philip Baſſet, the place was carried by 5th April.
aſſault, and both the governor and the garriſon were made priſoners of war †. The royaliſts marched thence to Leiceſter and Nottingham, both which places opened their gates to them ‡; and prince Edward proceeded with a detachment into Derby, in order to ravage with fire and ſword the lands of the earl of that name, and take revenge on him for his diſloyalty §. Like maxims of war prevailed with both parties throughout England; and the kingdom was thus expoſed in a moment to greater devaſtation, from the animoſities of the rival barons, than it would have ſuffered from many years of foreign or even of domeſtic hoſtilities, conducted by more humane and more generous principles.

THE earl of Leiceſter, maſter of London, and of the counties in the ſouth eaſt of England, formed the ſiege of Rocheſter ‖, which alone held for the King in thoſe parts, and which, beſides earl Warrenne, the governor, was garriſoned by many noble and powerful barons of the royal party. The King and prince haſtened from Nottingham, where they were then quartered, to the relief of the place; and on their approach, Leiceſter raiſed the ſiege and retreated to London, which, being the center of his power, he was afraid, might, in his abſence, fall into the King's hands, either by force, or by a correſpondence with the principal inhabitants, who were all of them ſecretly inclined to the royal cauſe. Reinforced by a body of 15000 citizens, and having ſummoned his partizans from

* Rymer, vol. 1. p. 772. M. Weſt. p. 385. Ypod. Neuſt. p. 469. † Chron. T. Wykes, p. 60. W. Heming, p. 581. Chron. Dunſt. p. 367. M. Weſt. p. 385. ‡ Chron. T. Wykes. p. 60. Knyghton, p. 2447. § M. Weſt. p. 385. ‖ M. Paris, p. 669. Chron. T. Wykes, p. 61. ⁋ W. Heming, p. 582. Chron. Dunſt. vol. 1. p. 369.

Chap. XII. 1264.

all quarters, he thought himſelf ſtrong enough to hazard a general battle with the royaliſts, and to determine the fate of the nation in one great engagement; which if it proved ſucceſsful, muſt be deciſive againſt the King, who had no retreat to his broken troops in thoſe parts; while Leiceſter himſelf in caſe of any ſiniſter accident, could eaſily take ſhelter in the city. To give the better colouring to his cauſe, he previouſly ſent a meſſage with conditions of peace to Henry, ſubmiſſive in the language, but exorbitant in the demands *; and when the meſſenger returned with the lye and defiance from the King, the prince, and the King of the Romans, he ſent a new meſſage, renouncing, in the name of himſelf and of the aſſociated barons, all fealty and allegiance to Henry. He then marched out of the city with his army, divided into four bodies: The firſt commanded by his two ſons, Henry and Guy de Mountfort, with Humphrey de Bohun, earl of Hereford, who had deſerted to the barons; the ſecond led by the earl of Gloceſter, with William de Montcheſney and John Fitz John; the third, compoſed of Londoners, under the command of Nicholas de Segrave: The fourth headed by himſelf in perſon. The biſhop of Chicheſter gave a general abſolution to the army, accompanied with aſſurances, that, if any of them fell in the action, they would infallibly be received into heaven, as the reward of their ſuffering in ſo meritorious a cauſe!

Battle of Lewes. 14th May.

LEICESTER, who poſſeſſed great talents for war, conducted his march with ſuch ſkill and ſecrecy, that he had well nigh ſurprized the royaliſts in their quarters at Lewes in Suſſex: But the promptitude of prince Edward ſoon repaired this negligence; and he led out the King's army to the field in three bodies. He himſelf conducted the van, attended by earl Warrenne and William de Valence: The main body was commanded by the King of the Romans and his ſon Henry: The King himſelf was placed in the rear at the head of his principal nobility. Prince Edward ruſhed upon the Londoners, who had demanded the poſt of honour in leading the rebel army, but who, from their want of diſcipline and experience, were ill qualified to reſiſt the gentry and military men, of whom the prince's body were compoſed. They were broke in an inſtant; were chaſed off the field of battle; and Edward, tranſported by his martial ardour, and eager to revenge the inſolence of the Londoners againſt his mother †, put them to the ſword for the length of four miles, without giving them any quarter, and without reflecting on the fate, which in the mean while attended the reſt of the army. The earl of Leiceſter ſeeing the royaliſts thrown into confuſion by their eagerneſs in purſuit and plunder, led on his remaining troops againſt the bodies commanded

* M. Paris, p. 669. W. Heming, p. 583.

† M. Paris, p. 670. Chron T. Wykes, p. 62. W. Heming. p. 583. M. Weſt. p. 387. Ypod. Neuſt. p. 469. H. Knyghton, p. 2450.

by the two royal brothers: He defeated with great ſlaughter the forces led by the King of the Romans; and that monarch was obliged to yield himſelf priſoner to the earl of Gloceſter: He penetrated to the body, where the King himſelf was placed, threw it into diſorder, purſued his advantage, chaced it into the town of Lewes, and obliged Henry to ſurrender himſelf priſoner *. Chap. XII. 1264.

Prince Edward, returning to the field of battle from his precipitate purſuit of the Londoners, was aſtoniſhed to find it covered with the dead bodies of his friends, and ſtill more to hear that his father and uncle were defeated and taken priſoners, and that Arundel, Comyn, Brus, Hamon l' Eſtrange, Roger Leyborne, and all the conſiderable barons of his party, were in the hands of the victorious enemy. Earl Warrenne, Hugh Bigod, and William de Valence, ſtruck with deſpair at this event, immediately took to flight, hurried to Pevencey, and made their eſcape beyond ſea †: But the prince, intrepid amidſt the greateſt diſaſters, exhorted his troops to revenge the death of their friends, to relieve the royal captives, and to ſnatch an eaſy conqueſt from an enemy, diſordered by their own victory ‡. He found his followers intimidated by their ſituation, while Leiceſter, afraid of a ſudden and violent blow from the prince, amuſed him by a pretence of negotiation, till he was able to recall his troops from the purſuit, and to bring them into order §. There now appeared no farther reſource to the royal party; ſurrounded by the armies and garriſons of the enemy, deſtitute of forage and proviſions, and deprived of their ſovereign, as well as of all their principal leaders, who could alone inſpirit them to an obſtinate reſiſtance. The prince, therefore, was obliged to ſubmit to Leiceſter's terms, which were ſhort and ſevere, agreeable to the ſuddenneſs and neceſſity of the ſituation. He ſtipulated, that he and Henry d' Allmain ſhould ſurrender themſelves priſoners as pledges in the place of the two Kings; that all other priſoners on both ſides ſhould be releaſed ‖; and that in order to ſettle fully the terms of agreement, applications ſhould be made to the King of France, that he ſhould name ſix Frenchmen, three prelates and three noblemen: Theſe ſix to chooſe two others of their own country: And theſe two to chooſe one Engliſhman, who, in conjunction with themſelves, were to be inveſted by both parties with full powers to make what regulations they thought proper for the ſettlement of the kingdom. The prince and young Henry accordingly delivered themſelves into Leiceſter's hands, who ſent them under a guard to Dover caſtle. Such are the terms of agreement, commonly called the *Miſe* of Lewes, from an obſolete French term of that

* M. Paris, p. 670. M. Weſt. p. 387. † Chron. T. Wykes, p. 63. ‡ W. Heming, p. 584. § W. Heming, p. 584. ‖ M. Paris, p. 671. Knyghton, p. 2451.

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meaning: For it appears, that all the gentry and nobility of England, who disdained the language of their native country, made familiar use of the French, till this period, and for some time after.

LEICESTER, had no sooner obtained this great advantage, and got the whole royal family in his power, than he openly violated every article of the treaty, and acted as sole master, and even tyrant of the kingdom. He still detained the King in effect a prisoner, and made use of that prince's authority to purposes the most prejudicial to his interests, and the most oppressive of his people *. He every where disarmed the royalists, and kept all his own partizans in a military posture †: He observed the same partial conduct in the delivery of the captives, and even threw many of the royalists into prison beside those who were taken in the battle of Lewes: He carried the King from place to place, and obliged all the royal castles, under pretence of Henry's commands, to receive a governor and garrison of his own appointment: All the officers of the crown and of the household were named by him; and the whole authority, as well as arms of the state, was lodged in his hands: He instituted in the counties a new kind of magistracy, endowed with new and arbitrary powers, that of conservators of the peace ‡: His rapacious avarice appeared barefaced to the whole nation, and were sufficient to make us question the greatness of his ambition, at least the largeness of his mind; if we had not reason to think, that he intended to employ his unbounded acquisitions as the instruments for acquiring farther power and grandeur. He seized no less than the estates of eighteen barons as his share of the spoil gained in the battle of Lewes: He engrossed to himself the ransom of all the prisoners; and told his barons, with a wanton insolence, that it was sufficient for them, that he had saved them by that victory from the forfeitures and attainders, which hung over them §: He even treated the earl of Gloucester in the same injurious manner, and turned to his own profit the ransom of the King of the Romans, who had in the field of battle, surrendered himself to that nobleman. Henry, his eldest son, made a monopoly of all the wool of the kingdom, the only valuable commodity for foreign markets which it at that time produced ‖. The inhabitants of the cinque-ports, during the present dissolution of government, betook themselves to the most licentious piracy, made a prey of the ships of all nations, threw the mariners into the sea, and by these practices soon banished all merchants from the English coasts and harbours. Every foreign commodity rose to an exorbitant price; and woollen cloaths, which the

* Rymer, vol. 1. p. 790, 791, &c. 212. Chron. T. Wykes, p. 63.

† Rymer, vol. 1. p. 795. Brady's Appeals, N°. 211,

‡ Rymer, vol. 1, p. 792.

§ Knyghton, p. 2451.

‖ Chron, T. Wykes, p. 65.

English

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Engliſh had not then the art of dying, were worn by them white, and without receiving the laſt hand of the manufacturer. In anſwer to the complaints which aroſe on this occaſion, Leiceſter replied, that the kingdom could well enough ſubſiſt within itſelf, and needed no intercourſe with foreigners. And it was found, that he even combined with the pyrates of the cinque ports, and received as his ſhare the third of their prizes *.

No farther mention was made of the reference to the King of France, ſo eſſential an article in the agreement of Lewes; and Leiceſter ſummoned a parliament, compoſed altogether of his own partizans, in order to rivet, by their authority, that power which he had acquired by ſo much violence, and which he uſed with ſo much tyranny and injuſtice. An ordinance was there paſſed, to which the King's conſent had been previouſly extorted, that every act of royal power ſhould be exerciſed by a council of nine perſons, who were to be choſen and removed by the majority of three, Leiceſter himſelf, the earl of Gloceſter, and the biſhop of Chicheſter †. By this intricate plan of government, the ſcepter was really put into Leiceſter's hands; as he had the entire direction of the biſhop of Chicheſter, and thereby commanded all the reſolutions of the council of three, who could appoint or diſcard at pleaſure every member of the ſupreme council.

But it was impoſſible that things could long remain in this ſtrange ſituation. It behoved Leiceſter either to deſcend with ſome danger into the rank of a ſubject, or to mount up with no leſs into that of a ſovereign; and his exorbitant ambition, unreſtrained by any fear or principle, gave too much reaſon to ſuſpect him of the latter intention. Mean while, he was expoſed to anxiety from every quarter; and felt that the ſmalleſt incident was capable of overturning that immenſe and ill cemented fabric, which he had reared. The Queen, whom her huſband had left abroad, had collected in foreign parts an army of deſperate adventurers, and had aſſembled a great number of ſhips, with a view of invading the kingdom, and of bringing relief to her unfortunate family. Lewis, deteſting Leiceſter's uſurpations and perjuries, and diſguſted by the refuſal of the Engliſh barons, to ſubmit to his award, favoured all her enterprizes, and was generally believed to be making preparations for the ſame purpoſe. An Engliſh army, by the pretended authority of the captive King, was aſſembled on the ſea coaſt to oppoſe this projected invaſion ‡; but Leiceſter owed his ſecurity more to croſs winds, which long detained and at laſt diſſipated and broke the Queen's fleet, than to

* Chron. T. Wykes, p. 65. † Rymer, vol. 1. p. 793. Brady's App. N°. 213. ‡ Brady's App. N°. 216, 217. Chron. Dunſt. vol. 1. p. 373. M. Weſt. p. 385.

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any reſiſtance, which, in their preſent ſituation, could be expected from the Engliſh *.

LEICESTER found himſelf better able to reſiſt the ſpiritual thunders, which were levelled againſt him. The Pope, ſtill adhering to the King's cauſe againſt the barons, diſpatched cardinal Guido as his legate into England, with orders to excommunicate the three earls, Leiceſter, Gloceſter, and Norfolk, by name, and all others in general, who concurred in the oppreſſion and captivity of their ſovereign †. Leiceſter menaced the legate with death, if he ſet his foot within the kingdom; but Guido, meeting in France the biſhops of Wincheſter, London, and Worceſter, who had been ſent thither on a negociation, commanded them, under the penalty of eccleſiaſtical cenſures, to carry his bull into England, and to publiſh it againſt the barons. When the prelates arrived off the coaſt, they were boarded by the pyratical mariners of the cinque ports, to whom probably they gave a hint of the cargo, which they brought along with them: The bull was torn and thrown into the ſea; which furniſhed the artful prelates with a plauſible excuſe for not obeying the orders of the legate ‡. Leiceſter appealed from Guido to the Pope in perſon; but before his ambaſſadors could reach Rome to defend his cauſe, the Pope was dead, and they found the legate himſelf, from whom they had appealed, ſeated on the papal throne, under the name of Urban IV. That daring leader was no wiſe diſmayed with this event; and as he found that a great part of his popularity in England was founded on his oppoſition to Rome, which was now become odious, he perſiſted with the more obſtinacy in the proſecution of his meaſures.

1265.

20th January.

THAT he might both encreaſe, and turn to advantage his popularity, Leiceſter ſummoned a new parliament in London, where he knew his power was uncontrolable; he fixed this aſſembly on a more democratical baſis, than any which had ever been ſummoned ſince the foundation of the Engliſh monarchy. Beſides the barons of his own party, and ſeveral eccleſiaſtics, who were not immediate tenants of the crown; he ordered returns to be made of two knights from every ſhire, and what is more remarkable, of deputies from the buroughs, which had always in former ages been eſteemed of too mean a rank to be allowed a place in the national councils §. This period is commonly eſteemed the epoch of the houſe of commons of England; and it is certainly the firſt time, that mention is made by hiſtorians of any repreſentatives ſent to parliament by the boroughs. In

House of commons.

* Chron. Mailr. p. 226. Chron. T. Wykes, p. 63. † Rymer, vol. 1. p. 798. Chron. Dunſt. vol. 1. p. 373. ‡ M. Paris, p. 671. T. Wykes, p. 65. § Rymer, vol. 1. p. 802.

all

all the general accounts given in preceding times of parliaments, the nobility and barons are only ſpoke of by hiſtorians as the conſtituent members; and even in the moſt particular narratives delivered of parliamentary tranſactions, as in the trial of Thomas a Becket, where the events of each day, and almoſt of each hour, are carefully recorded by contemporary authors *, there is not, throughout the whole, the leaſt appearance of a houſe of commons. But tho' that houſe derived its firſt exiſtence from ſo precarious and even ſo invidious an origin as Leiceſter's uſurpation, it proved ſoon, when ſummoned by the legal princes, one of the moſt uſeful, and, in proceſs of time, one of the moſt powerful members of the national conſtitution; and gradually reſcued the kingdom from ariſtocratical as well as from regal tyranny. But Leiceſter's policy, if we muſt aſcribe to him ſo great a bleſſing, only forwarded by ſome years an inſtitution, for which the general ſtate of things had already prepared the nation; and it is otherwiſe inconceivable, that a plant, ſet by ſo inauſpicious a hand, could have attained to ſo vigorous a growth, and have flouriſhed in the midſt of ſuch tempeſts and convulſions. The feudal ſyſtem, with which the liberty, much more the power of the commons, was totally incompatible, began gradually to decline; and both King and people, who felt its inconveniences, contributed to favour this new power, which was more ſubmiſſive than the barons to the regular authority of the crown, and at the ſame time afforded protection to the inferior orders of the ſtate. Chap. XII. 1265.

Leicester, having thus aſſembled a parliament of his own model, and truſting to the attachment of the populace of London, ſeized the opportunity of cruſhing his rivals among the powerful barons. Robert de Ferrars, earl of Derby, was accuſed in the King's name, ſeized, and committed to cuſtody, without being brought to any legal trial †. John Gifford, menaced with the ſame fate, fled from London, and took ſhelter in the marches of Wales. Even the earl of Gloceſter, whoſe power and influence had ſo much contributed to the ſucceſs of the barons, but who was of late extremely diſguſted by Leiceſter's arbitrary and inſolent conduct, who engroſſed the whole power of the party, found himſelf in danger from the prevailing authority of his antient confederate; and he retired from parliament ‡. This known diviſion among the leaders, gave courage to all Leiceſter's enemies and to the King's friends; who were now ſure of protection from ſo potent a leader. Tho' Roger Mortimer, Hamon L'eſtrange, and other powerful marchers of Wales, had been obliged to leave the kingdom, their authority ſtill remained over the territories ſubjected to their juriſdiction; and there were many others who were diſpoſed to give diſturbance to the new government.

* Fitz-Stephen Hiſt. Quadrip. Hoveden, &c. p. 216.

† Chron. T. Wykes, p. 66. Ann. Waverl.

‡ M. Paris, p. 671. Ann. Waverl. p. 216.

The

Chap. XII. 1265. The animoſities, inſeparable from the feudal ariſtocracy, broke out with ſuch freſh violence, and threatened the kingdom with new convulſions and diſorders.

THE earl of Leiceſter, ſurrounded with theſe difficulties, embraced a meaſure, from which he propoſed to reap ſome preſent advantages, but which proved in the end the ſource of all his future calamities. The active and intrepid prince Edward had languiſhed in priſon ever ſince the fatal battle of Lewes; and being extremely popular in the kingdom, there aroſe a general deſire of ſeeing him again reſtored to liberty *. As Leiceſter found, that he could with difficulty oppoſe the concurring wiſhes of the nation, he ſtipulated with the prince, that in return, he ſhould order his adherents to deliver up to the barons, all their caſtles, particularly thoſe on the borders of Wales; and ſhould ſwear neither to depart the kingdom during three years, nor introduce into it any foreign forces †. The King took an oath to the ſame effect, and he alſo paſſed a charter, in which he confirmed the agreement or *miſe* of Lewis; and even permitted his ſubjects to riſe in arms againſt him, if he ſhould ever attempt to infringe it ‡. So little care had Leiceſter taken, tho' he conſtantly made uſe of the authority of this captive prince, to preſerve to him any appearance of royalty or kingly prerogatives.

11th March. IN conſequence of this treaty, prince Edward was brought into Weſtminſter-hall, and was declared free by the barons: But inſtead of really recovering his liberty, as he had vainly expected, he found, that the whole tranſaction was a fraud on the part of Leiceſter; that he ſtill continued a priſoner at large, and was ſtrictly guarded by the emiſſaries of that nobleman; and that while the faction reaped all the benefit from the performance of his part of the treaty, care was taken that he himſelf ſhould enjoy no advantage by it. As Gloceſter, on his rupture with the barons, had retired for ſafety to his eſtates on the borders of Wales; Leiceſter followed him with an army to Hereford §, continued ſtill to menace and negotiate, and that he might add authority to his cauſe, he carried both the King and prince along with him. The earl of Gloceſter here concerted with young Edward the manner of that prince's eſcape. He found means to convey to him a horſe of an extraordinary ſwiftneſs; and appointed Roger Mortimer, who had returned into the kingdom, to be ready at hand with
28th May. a ſmall party to receive the prince, and to guard him to a place of ſafety. Edward pretended to take the air with ſome of Leiceſter's retinue, who were his guards; and making matches between their horſes, after he thought he had tired and blown them ſufficiently, he ſuddenly mounted Gloceſter's horſe, called to his

* Knyghton, p. 2451. † Ann. Waverl. p. 216. ‡ Blackerton's Mag. Charta, p. Chron. Dunſt. vol. 1. p. 378. § Chron. T. Wykes, p. 67. Ann. Waverl. p. 218. W. Heming. p. 585. Chron. Dunſt. vol. 1. p. 383, 384.

attendants,

attendants, that he had long enough enjoyed the pleaſure of their company, and now bid them adieu. They followed him for ſome ſpace, without being able to overtake him; and the appearance of Mortimer with his company put an end to their purſuit *. Chap. XII. 1265.

THE royaliſts, ſecretly prepared for this happy event, immediately flew to arms; and the joy of this gallant prince's delivery, the oppreſſions under which the nation laboured, the expectation of a new ſcene of affairs, and the countenance of the earl of Gloceſter, procured Edward an army which Leiceſter was utterly unable to withſtand †. This nobleman found himſelf in a remote quarter of the kingdom, ſurrounded by his enemies, barred of all communication with his friends by the Severne, whoſe bridges Edward had broke down ‡, and obliged to fight the cauſe of his party under ſuch multiplied diſadvantages. In this extremity he wrote to his ſon, Simon de Montfort, to haſten from London with an army for his relief; and Simon had advanced to Kenilworth, with that view; where fancying that all Edward's force and attention were directed againſt his father, he lay perfectly ſecure and unguarded. But the prince, making a ſudden and forced march, ſurprized him in his camp, diſſipated his army, and took the earl of Oxford, and many other noblemen priſoners, almoſt without reſiſtance §. Leiceſter, ignorant of his ſon's fate, paſſed the Severne in boats during Edward's abſence, and lay at Eveſham, in expectation of being every hour joined by his friends from London: When the prince, who made profit of every favourable moment, appeared in the field before him. Edward made a body of his troops advance from the road which led to Kenilworth, and ordered them to carry the banners taken from Simon's army; while he himſelf, making a circuit with the reſt of his army, propoſed to attack the enemy from the other quarter ‖. Leiceſter was long deceived by this ſtratagem, and took one diviſion of Edward's army for his friends; but at laſt, perceiving his miſtake, and obſerving the great ſuperiority and excellent diſpoſition of the royaliſts, he exclaimed, that they had learned from him their military order; adding, "The Lord have mercy on our "ſouls: for I ſee our bodies are the prince's ⊥." The battle immediately began, tho' on very unequal terms. Leiceſter's army, by living in the mountains of Wales without bread, which was not then much uſed among the inhabitants *, had been extremely weakened by ſickneſs and deſertion, and was ſoon broke by

Battle of Eveſham, and death of Leiceſter. 4th Auguſt.

* M. Paris, p. 672. Chron. T. Wykes, p. 97. Ann. Waverl. p. 218. W. Heming, p. 585. Knyghton, p. 2452. † Chron. T. Wykes, p. 68. ‡ Chron. Dunſt. vol. 1. p. 383. § M. Paris, p. 672. Chron. Mailr. p. 230. Chron. T. Wykes, p. 69. Ann. Waverl. p. 219. W. Heming, p. 586. Knyghton, p. 2452. ‖ M. Paris, p. 672. Chron. Mailr. p. 231. ⊥ M. Paris, p. 672. W. Heming. p. 586. Knyghton, p. 2453. * Chron. T. Wykes, p. 69.

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the victorious royaliſts; while his Welſh allies, accuſtomed to a deſultory kind of war, immediately took to flight, and were purſued with great ſlaughter *. Leiceſter himſelf, aſking for quarter, was ſlain in the heat of the action, with his eldeſt ſon Henry, Hugh le d'Eſpenſer, and about one hundred and ſixty knights, and many other gentlemen of his party. The old King had been purpoſely placed by the rebels in the front of the battle; and being clad in armour, and thereby not known by his friends, he received an wound, and was in danger of his life: But crying out, *I am Henry of Wincheſter, your king*, he was ſaved; and put in a place of ſecurity by his ſon, who flew to his aſſiſtance †.

THE violence, ingratitude, tyranny, rapacity, and treachery of the earl of Leiceſter, give a very bad idea of his moral character, and make us regard his death, as the moſt happy event, which, in this conjuncture, could have happened to the Engliſh nation: Yet muſt we allow the man to have poſſeſſed great abilities, and the appearance of great virtues, who, tho' a ſtranger, could, at a time when ſtrangers were the moſt odious, and the moſt univerſally decried, have acquired ſo extenſive an intereſt in the kingdom, and have ſo nearly paved his way to the throne itſelf. His military capacity, and his political craft, were equally eminent: He poſſeſſed the talents both of governing men and conducting buſineſs: And tho' his ambition was boundleſs, it ſeems neither to have exceeded his courage nor his genius; and he had the happineſs of making the low populace, as well as the haughty barons, co-operate towards the ſucceſs of his ſelfiſh and dangerous purpoſes. A prince of greater ability and vigour than Henry might have directed the talents of this nobleman either to the exaltation of his throne, or to the good of his people: But the advantages given to Leiceſter, by the weak and variable adminiſtration of the King, brought on the ruin of royal authority, and produced infinite confuſions in the kingdom, which indeed in the end preſerved and extremely improved the national liberty and conſtitution. His popularity, even after his death, continued ſo great, that, tho' excommunicated by Rome, the people believed him to be a ſaint; and many miracles were ſaid to be wrought upon his tomb ‡.

Settlement of the government.

THE victory of Eveſham, with the death of Leiceſter, proved deciſive in favour of the royaliſts, and made an equal, tho' a very oppoſite impreſſion on friends and enemies, in every part of England. The King of the Romans recovered his liberty: The other priſoners of the royal party were not only freed, but courted, by their keepers: Fitz-Richard, the ſeditious mayor of London, who had marked out forty of the moſt wealthy citizens for ſlaughter, immediately ſtopped his hand on receiving news of this great event: And almoſt all the caſtles garriſoned by

* Knyghton, p. 2453. † Chron. de Mailr. p. 232. W. Heming. p. 587. ‡ Chron. de Mailr. p. 232.

the barons, haſtened to make their ſubmiſſions and to open their gates to the King. The iſle of Axholme alone, and that of Ely, truſting to the ſtrength of their ſituation, ventured to make reſiſtance; but were at laſt reduced, as well as the caſtle of Dover, by the valour and activity of prince Edward *. Adam de Gourdon, a courageous baron, maintained himſelf ſome time in the foreſts of Hampſhire, committed depredations on the neighbourhood, and obliged the prince to lead a body of troops into that country againſt him. Edward attacked the camp of the rebels; and being tranſported by the ardour of action, leapt over the trench with a few followers, and encountered Gourdon himſelf in ſingle combat. The victory was long diſputed between theſe valiant combattants; but ended at laſt in the prince's favour, who wounded his antagoniſt, threw him from his horſe, and took him priſoner. He not only granted him his life; but introduced him that very night to the queen at Guilford, procured him his pardon, reſtored him to his eſtate, received him into favour, and was ever after very faithfully ſerved by him †. Chap. XII. 1265. 1266.

A total victory of the ſovereign over ſo extenſive a rebellion commonly produces a revolution of government, and ſtrengthens, as well as enlarges, for ſome time, the prerogatives of the crown: Yet no ſacrifices of national liberty were made on this occaſion; the great charter remained ſtill inviolate; and the King, ſenſible that his own barons, by whoſe aſſiſtance alone he had prevailed, were no leſs jealous of their independance than the other party, ſeems thenceforth to have more carefully abſtained from all thoſe exertions of arbitrary power, which had afforded ſo plauſible a pretence to the rebels. The clemency of this victory is alſo remarkable: No blood was ſhed on the ſcaffold: No attainders, except of the Mountfort family, were executed: And tho' a parliament, aſſembled at Winchester, forfeited all thoſe, who had borne arms againſt the King, eaſy compoſitions were made with them for their lands ‡; and the higheſt ſum, levied on the moſt notorious offenders, exceeded not five years rent of their eſtate. Even the earl of Derby, who again rebelled, after having been pardoned and reſtored to his fortune, was obliged to pay only ſeven years rent, and was a ſecond time reſtored. The mild diſpoſition of the King, and the prudence of the prince, tempered the inſolence of victory, and gradually reſtored order to the ſeveral members of the ſtate, disjointed by ſo long a continuance of civil wars and commotions.

The city of London, which had carried fartheſt the rage and animoſity againſt the King, and which ſeemed determined to ſtand upon its defence after almoſt

* M. Paris, p. 676. W. Heming, p. 588. † M. Paris, p. 675. ‡ M. Paris, p. 675.

Chap. XII. 1255. all the kingdom had submitted, was, after some interval, restored to most of its liberties and privileges, and Fitz Richard, the mayor, who had been guilty of so much illegal violence, was only punished by fine and imprisonment. The countess of Leicester, the King's sister, who had been extremely forward in all attacks on the royal family, was dismissed the kingdom with her two sons, Simon and Guy *, who proved very ungrateful for this lerity. Five years afterwards, they assassinated, at Viterbo in Italy, their cousin Henry d' Allmaine, who at that very time was endeavouing to make their peace with the King; and by taking sanctuary in the church of the Franciscans, they escaped the punishment due to so great an enormity †.

1267. The merits of the earl of Gloucester, after he returned to his allegiance, had been so great, in restoring the prince to his liberty, and assisting him in his victories against the rebellious barons, that it was almost impossible to content him in his demands; and his youth and temerity, as well as his great power, tempted him, on some new disgust, to raise again the flames of rebellion in the kingdom. The mutinous populace of London, at his instigation, took to arms; and the prince was obliged to collect an army of 30,000 men, in order to suppress them ‡. Even this second rebellion did not provoke the King to any acts of cruelty; and the earl of Gloucester himself escaped with a total impunity. He was only obliged to enter into a bond of 20,000 marks, that he never again would be guilty of rebellion §: A strange method of enforcing the laws, and a proof of the dangerous independance of the barons in those ages! These potent nobles were, from the danger of the example, averse to the execution of the laws of forfeiture and felony against any of their brethren; tho' they could not with a good grace refuse to concur in obliging them to fulfill any voluntary contract and engagement, into which they had entered.

1270. The prince, finding the state of the kingdom tolerably composed, was seduced, by his avidity for glory, and by the prejudices of the age, as well as by the earnest sollicitations of the King of France, to undertake an expedition against the infidels in the Holy Land ‖; and he endeavoured previously to settle the state in such a manner, as to dread no bad effects from his absence. As the dangerous power and turbulent disposition of the earl of Gloucester gave him apprehensions, he insisted on carrying him along with him, in consequence of a vow,

* Chron. T. Wykes, p. 72. † Rymer, vol. 1. p. 870. vol. 2. p. 4, 5. Chron. T. Wykes, p. 94. W. Heming. p. 589. Trevet, p. 240 ‡ Chron. T. Wykes, p. 79. § Chron. T. Wykes, p. 81. ‖ M. Paris, p. 677.

which

which that nobleman had made to undertake the ſame voyage; and in the mean time, he obliged him to reſign ſome of his caſtles, and to enter into a new bond not to diſturb the peace of the kingdom *. He ſailed from England with an army; and arrived in Lewis's camp before Tunis in Africa, where he found that great monarch already dead, from the intemperance of the climate and the fatigues of his enterprize. The great and only weakneſs of this prince was his imprudent zeal for Croiſades; but it was this prepoſſeſſion chiefly that procured him from the clergy the title of St. Lewis, by which he is known in the French hiſtory; and if that appellation had not been ſo extremely proſtituted by the Romiſh church, as to become rather a term of reproach, he ſeems, by his uniform probity and goodneſs, as well as his piety, to have fully merited the title. He was ſucceeded by his ſon, Philip, denominated the Hardy; a prince of ſome merit, tho' much inferior to that of his father. Chap. XII. 1270.

PRINCE Edward, not diſcouraged by this event, continued his voyage to the Holy Land, where he ſignalized himſelf by acts of valour: Revived the glory of the Engliſh name in thoſe parts: And ſtruck ſuch terror into the Saracens, that they employed an aſſaſſin to murder him, who wounded him in the arm, but periſhed in the attempt †. Mean while, his abſence from England was attended with many of thoſe pernicious conſequences, which had been dreaded from it. The laws were not executed: The barons oppreſſed the common people with impunity ‡: They gave ſhelter on their eſtates to bands of robbers, whom they employed in committing ravages on the eſtates of their enemies: The populace of London returned to their uſual licentiouſneſs: And the old King, unequal to the burthen of government, called aloud for his gallant ſon to return §, and to aſſiſt him in ſwaying that ſcepter, which was ready to drop from his feeble and uncertain hands. At laſt, overcome by the cares of government, and the infirmities of age, he viſibly declined, and he expired at St. Edmondſbury in the 64th year of his age, and 56th of his reign; the longeſt reign which is to be met with in the Engliſh annals. His brother, the King of the Romans (for he never attained the title of emperor) died about ſeven months before him. 1271. 1272. 16th Novr. Death

THE moſt obvious circumſtances of Henry the third's character is his incapacity for government, which rendered him as much a priſoner in the hands of his own miniſters and favourites, and as little at his own diſpoſal, as when detained a captive in the hands of his enemies. From this ſource, rather than from inſincerity or treachery, aroſe his negligence in obſerving his promiſes; and he was and character of the King.

* Chron. T. Wykes, p. 90. † M. Paris, p. 678, 679. W. Heming, p. 520. ‡ Chron. Dunſt. vol. 1. p. 404. § Rymer, vol. 1. p. 869. M. Paris, p. 678.

too

Chap. XII. 1272.

too eaſily induced, for the ſake of preſent convenience, to ſacrifice the laſting advantages ariſing from the truſt and confidence of his people. Hence were derived his profuſion to favourites, his attachment to ſtrangers, the variableneſs of his conduct, his haſty reſentments, and his ſudden forgiveneſs and return of affection. Inſtead of reducing the dangerous power of his nobles, by obliging them to obſerve the laws towards their inferiors, and ſetting them the ſalutary example in his own government; he was ſeduced to imitate their conduct, and to make his arbitrary will, or rather that of his miniſters, the rule of his actions. Inſtead of accommodating himſelf, by a ſtrict frugality, to the embarraſſed ſituation in which his revenue had been left, by the military expeditions of his uncle, the diſſipations of his father, and the uſurpations of the barons; he was tempted to levy money by irregular exactions, which, without inriching himſelf, impoveriſhed, at leaſt diſguſted his people. Of all men, nature ſeemed leaſt to have fitted him for being a tyrant; yet are there inſtances of oppreſſion in his reign, which, tho' derived from the precedents left him by his predeceſſors, had been carefully guarded againſt by the great charter, and are inconſiſtent with all rules of good government. And on the whole, we may ſay, that greater abilities with his good diſpoſitions, would have prevented him from falling into his faults; or with worſe diſpoſitions, would have enabled him to maintain and defend them.

THIS prince was noted for his piety and devotion, and his regular attendance on public worſhip; and a ſaying of his on that head is much celebrated by antient writers. He was engaged in a diſpute with Lewis IX. of France, concerning the preference between ſermons and maſſes: He maintained the ſuperiority of the latter, and affirmed, that he would rather have one hour's converſation with a friend, than hear twenty the moſt elaborate diſcourſes, pronounced in praiſe of him *.

HENRY left two ſons, Edward his ſucceſſor, and Edmond earl of Lancaſter; and two daughters, Margaret queen of Scotland, and Beatrix, dutcheſs of Brittanny. He had five other children, who died in their infancy.

Miſcellaneous tranſactions of this reign.

THE following are the moſt remarkable laws enacted during this reign. There had been great diſputes between the civil and eccleſiaſtical courts about baſtardy. The common law had deemed all thoſe baſtards who were born before wedlock: By the canon law they were ligitimate: And when any diſpute of inheritance aroſe, it had been formerly uſual for the civil courts to iſſue writs to the ſpiritual, directing them to enquire into the legitimacy of the perſon. The biſhop always returned an anſwer agreeable to the canon law, tho' contrary to

* Walſing. Edw. 1. p. 43.

the

the municipal law of the kingdom. For this reaſon, the civil courts had changed the nature of their writ, and inſtead of requiring the ſpiritual courts to enquire concerning the legitimacy of the perſon, they only propoſed the ſimple queſtion of fact, whether he was born before or after the marriage. The prelates complained of this practice to the parliament aſſembled at Merton in the twentieth of this King, and deſired that the civil law might be rendered conformable to the canon: But received from all the nobility the memorable reply: *Nolumus leges Angliæ mutare:* We will not change the laws of England *. Chap. XII. 1272.

After the civil wars, the parliament, ſummoned at Marlebridge, gave their approbation to moſt of the ordinances, which had been enacted by the reforming barons, and which, tho' advantageous to the ſecurity of the people, had not received the ſanction of a proper authority. Among other laws, it was there enacted, that all appeals from the courts of inferior lords ſhould be carried directly to the King's courts, without paſſing thro' the courts of the lords immediately ſuperior †. It was ordained that money ſhould bear no intereſt during the minority of the creditor ‡. This law was very reaſonable, as the eſtates of minors were always in the hands of their lords, and the creditors could not pay intereſt where they had no revenue. The charter of King John had granted this indulgence: It was omitted in that of Henry III. for what reaſon is unknown; but it was renewed in the ſtatute of Marlebridge. Moſt of the other articles of this ſtatute are calculated to reſtrain the oppreſſions of ſheriffs, and the violences and iniquities committed in diſtraining cattle and other goods. Cattle and the inſtruments of huſbandry compoſed at that time the chief riches of the people.

In the 35th year of this King an aſſize was fixed of bread, the price of which was ſettled, according to the different prices of corn, from one ſhilling a quarter to ſeven ſhillings and ſix pence §. Theſe great variations alone are a proof of bad tillage: Yet did the prices often riſe much higher, than any taken notice of by the laws. The Chronicle of Dunſtable tells us, that in this reign, wheat was once ſold for a mark, nay for a pound a quarter; that is, three pounds of our preſent money ‖. The ſame law affords us a proof of the little communication between the parts of the kingdom, by remarking the very different prices which the ſame commodity bore at the ſame time. A brewer, ſays the ſtatute, may ſell two gallons of ale for a penny in cities, and three or four gallons for the ſame price in the country. At preſent, ſuch commodities, by the great conſumpt of the people, and the great ſtocks of the brewers, are rather cheapeſt in cities. The

* Statute of Merton, chap. 9. † Statute of Marleb. chap. 20. ‡ Id. chap. 16.
§ Statutes at large, p. 6. ‖ So alſo Knyghton, p. 2444.

Chronicles

Chap. XII. 1272. Chronicle of Dunſtable obſerves, that wheat one year was ſold in many places for eight ſhillings a quarter, but never roſe in Dunſtable above a crown.

THO' commerce was ſtill very low, it ſeems rather to have encreaſed ſince the Conqueſt; at leaſt, if we may judge of the encreaſe of money by the price of bread. The medium between the higheſt and loweſt prices of wheat, aſſigned by the ſtatute, is four ſhillings and three pence a quarter, that is, twelve ſhillings and nine pence of our preſent money. This is near the half of the middling price in our time. Yet the middling price of cattle, ſo late as the reign of King Richard, we found to be above eight times lower than the preſent. Is not the true inference, from comparing theſe facts, that in all uncivilized nations, cattle, which propagate of themſelves, bear always a lower price than corn, which requires more art and ſtock to raiſe it, than theſe nations are poſſeſſed of? It is to be remarked, that Henry's aſſize of corn was copied from a preceding aſſize eſtabliſhed by King John; and conſequently, the prices which we have here compared of corn and cattle may be looked on as contemporary; and they were drawn, not from one particular year, but from an eſtimation of the middling prices. It is true, the prices, aſſigned by the aſſize of Richard, were meant as a ſtandard for the accompts of ſheriffs and eſcheators; and as conſiderable profits were allowed to them, we may naturally ſuppoſe, that the common value of cattle was ſomewhat higher: Yet ſtill, ſo great a difference between the prices of corn and cattle as that of four to one, compared to the preſent rates, affords important reflections concerning the very different ſtate of induſtry and tillage in the two periods.

INTEREST had in that age mounted to an enormous height, as might be expected from the barbariſm of the times and mens ignorance of commerce. There are inſtances of fifty per cent. payed for money *. Such profits tempted the Jews to remain in England, notwithſtanding the grievous oppreſſions to which they were continually expoſed from the prevalent bigotry and rapine of the age. It is eaſy to imagine how precarious their ſtate muſt be under an indigent prince, ſomewhat reſtrained in his tyranny over his native ſubjects, but who poſſeſſed an unlimited authority over them, the ſole proprietors of money in the kingdom, and hated on account of their riches, their religion, and their uſury: Yet will our ideas ſcarce come up to the extortions which in fact we ſhall find to have been practiced upon them. In the year 1241, 20,000 marks were exacted from them †: Two years after, money was again extorted; and one Jew alone, Aaron of York, was obliged to pay above 4000 marks ‡: In 1250, Henry renewed

* M. Paris, p. 586. † M. Paris, p. 372. ‡ M. Paris, p. 410.

his

his oppreſſions; and the ſame Aaron was condemned to pay him 30,000 marks upon an accuſation of forgery*: The high penalty impoſed upon him, and which, it ſeems, he was thought able to pay, is rather a preſumption of his innocence than of his guilt. In 1255, the King demanded 8000 marks from the Jews, and threatened to hang them, if they refuſed compliance. They now loſt all patience, and deſired leave to retire with their effects out of the kingdom. But the King replied: "How can I remedy the oppreſſions you complain of? I am myſelf "beggared. I am deſpoiled, I am ſtripped of all my revenues: I owe above "200,000 marks; and if I had ſaid 300,000, I ſhould not exceed the truth: "I am obliged to pay my ſon, prince Edward, 15,000 marks a year: I have "not a farthing; and I muſt have money, from any hand, from any quarter, "or by any means." He then delivered over the Jews to the earl of Cornwal, that thoſe whom the one brother had ſlead, the other might embowel, to make uſe of the words of the hiſtorian†. King John, his father, once demanded 10,000 marks from a Jew of Briſtol; and on his refuſal, ordered one of his teeth to be drawn every day till he ſhould conſent. The Jew loſt ſeven teeth; and then paid the ſum required of him‡. Chap. XII. 1272.

To give a better pretence to extortions, the improbable and abſurd accuſation, which has been at different times advanced againſt that nation, was revived in England, that they had crucified a child in deriſion of our Saviour's ſufferings. Eighteen of them were hanged at once for this crime§: Tho' it is no wiſe credible, that even the antipathy born them by the Chriſtians, and the oppreſſions under which they laboured, would ever have puſhed them to be guilty of that dangerous enormity. But it is natural to imagine, that a race, expoſed to ſuch inſults and indignities both from King and people, and who had ſo uncertain an enjoyment of their riches, would carry uſury to the greateſt extremities, and by their great profits make themſelves ſome compenſation for their continued perils.

Commerce muſt be in a wretched condition where intereſt was ſo high, and where the ſole proprietors of money were expoſed to ſuch rapine and injuſtice. But the bad police of the country was another obſtacle to all improvements; and rendered all communication dangerous, and all property precarious. The Chronicle of Dunſtable ſays‖, that men during this reign were never ſecure in their houſes, and that whole villages were often plundered by bands of robbers, tho' no civil wars prevailed in the kingdom. In 1249, ſome years before the inſurrection of the barons, two merchants of Brabant came to the King at Wincheſter, and told him, that they had been deſpoiled of all their goods by certain robbers,

* M. Paris, p. 525. † M. Paris, p. 606. ‡ M. Paris, p. 160. § M. Paris, p. 613. ‖ Vol. 1. p. 155.

Chap. XII. 1272. whom they knew, becauſe they ſaw their faces every day in his court; that like practices prevailed all over England, and travellers were every day robbed, bound, wounded and murdered; that theſe crimes eſcaped with impunity, becauſe the miniſters of juſtice themſelves were in a confederacy with the robbers; and that they for their part, inſtead of bringing matters to a fruitleſs trial by law, were willing, tho' merchants, to try their cauſe with the robbers by arms and a duel. The King, provoked at theſe abuſes, ordered a jury to be incloſed, and to try the robbers: The jury, tho' conſiſting of twelve men of property in Hampſhire, were found to be alſo in a confederacy with the robbers, and acquitted them. Henry in a rage committed the jury to priſon, threatened them with ſevere puniſhment, and ordered a new jury to be encloſed, who, dreading the fate of their fellows, at laſt found a verdict againſt the criminals. Many of the King's own houſhold were diſcovered to have participated in the guilt; and ſaid for their excuſe, that they received no wages from him, and were obliged to rob for a maintenance *. *Knights and eſquires*, ſays the Dictum of Kenelworth, *who were robbers, if they have no land, ſhall pay the half of their goods, and find ſufficient ſecurity to keep henceforth the peace of the kingdom.* Such were the manners of the times!

One can the leſs repine, during the prevalence of ſuch manners, at the frauds and forgeries of the clergy; as it gives much leſs diſturbance to ſociety, to take mens money from them with their own conſent, tho' by deceits and lies, than to raviſh it by open force and violence. During this reign, the papal power was at its ſummit, and was even beginning inſenſibly to decline, by reaſon of the immeaſurable avarice and extortions of the court of Rome, which diſguſted the clergy as well as laity in every kingdom of Europe. England itſelf, tho' ſunk in the deepeſt abyſs of ignorance and ſuperſtition, had ſeriouſly entertained thoughts of ſhaking off the papal yoke †; and the Roman pontiff was obliged to think of new expedients for rivetting it faſter upon them. For this purpoſe, Gregory IX. publiſhed his decretals ‡, which are a collection of forgeries, favourable to the court of Rome, and conſiſt of the ſuppoſed decrees of Popes in the firſt centuries. But theſe forgeries are ſo groſs, and confound ſo palpably all language, hiſtory, chronology, and antiquities; matters more ſtubborn than any ſpeculative truths whatever; that even that church, which is not ſtartled at the moſt monſtrous contradictions and abſurdities, has been obliged to abandon them to the critics. But in the dark age of the thirteenth century, they paſſed for undiſputed and authentic; and men, entangled in the mazes of this falſe literature, joined to the philoſophy, equally falſe, of the times, had nothing where-

* M. Paris, p. 509. † M. Paris, p. 421; ‡ Trevet, p. 191.

withal

withal to defend themſelves, but ſome ſmall remains of common ſenſe, which paſſed for profaneneſs and impiety, and the indelible regard to ſelf-intereſt, which, as it was the ſole motive in the prieſts for framing theſe impoſtures, ſerved alſo, in ſome degree, to protect the laity againſt them. Chap. XII. 1272.

ANOTHER expedient, deviſed by the church of Rome in this period for ſecuring its power, was the inſtitution of new religious orders, and chiefly the Dominicans and Franciſcans, who proceeded with all the zeal and ſucceſs that attend novelties; were better qualified to gain the populace than the old orders, now become rich and indolent; maintained a perpetual rivalſhip with each other in promoting their gainful ſuperſtitions; and acquired a great dominion over the minds, and conſequently over the purſes of men, by counterfeiting a deſire of poverty and a contempt for riches. The quarrels, which aroſe between theſe orders, lying ſtill under the controul of the ſovereign pontiff, never diſturbed the peace of the church, and ſerved only as a ſpur to their induſtry in promoting the common cauſe; and tho' the Dominicans loſt ſome popularity by their denial of the immaculate conception, a point in which they unwarily engaged too far to be able to recede with honour, they counterballanced this diſadvantage by acquiring more ſolid eſtabliſhments, by gaining the confidence of kings and princes, and by exerciſing the juriſdiction aſſigned them, of ultimate judges and puniſhers of hereſy. Thus, the ſeveral orders of monks became a kind of regular troops or garriſons of the Romiſh church; and tho' the temporal intereſts of ſociety, ſtill more thoſe of true piety, were hurt by their various devices to catch the populace, they proved the chief ſupports of that mighty fabric of ſuperſtition, and till the revival of true learning, ſecured it from any dangerous invaſion.

CHAP. XIII.

EDWARD I.

Civil adminiſtration of the King——Conqueſt of Wales——Affairs of Scotland——Competitors for the crown of Scotland——Reference to Edward——Homage of Scotland——Award of Edward in favour of Baliol——War with France——Digreſſion concerning the conſtitution of parliament——War with Scotland——Scotland ſubdued——War with France——Diſſenſions with the clergy——Arbitrary meaſures——Peace with France——Revolt of Scotland——That kingdom again ſubdued——again revolts——is again ſubdued——Robert Bruce——Third revolt of Scotland——Death and character of the King——miſcellaneous tranſactions of this reign.

Chap. XIII. 1272.

THE Engliſh were as yet ſo little trained to obedience under a regular government, that the death of almoſt every King, ſince the Conqueſt, had been attended with diſorders; and the council, reflecting on the recent civil wars, and on the animoſities which naturally remain after theſe great convulſions, had reaſon to apprehend very dangerous conſequences from the abſence of the ſon and ſucceſſor of Henry. They therefore haſtened to proclaim prince Edward, to ſwear allegiance to him, and to ſummon the ſtates of the kingdom, in order to provide for the public peace in this important conjuncture*. Walter Giffard, archbiſhop of York, the earl of Cornwal, ſon of Richard, King of the Romans, and the earl of Gloceſter, were appointed guardians of the kingdom, and proceeded peaceably to the exerciſe of their authority, without either meeting with oppoſition from any of the people, or being diſturbed with emulation and faction among themſelves. The high character acquired by Edward during the late commotions, his military genius, his ſucceſs in ſubduing the rebels, his moderation in ſettling the kingdom, had procured him great eſteem, mixt with affection, among all orders of men; and no one could reaſonably entertain hopes of making any advantage of his abſence, or of raiſing diſturbance in the nation. The earl of Gloceſter himſelf, whoſe great power, and turbulent ſpirit, had ex-

* Rymer, vol. 2, p. 1. Walſing. p. 43. Trevet, p. 239.

cited

cited moſt jealouſy, was forward to give proofs of his allegiance; and any male-contents, who remained, being deſtitute of a leader, were obliged to remain in ſubmiſſion to the government. Chap. XIII. 1272.

Prince Edward had reached Sicily in his return from the Holy Land, when he received information of the death of his father; and he diſcovered a deep concern on this occaſion. At the ſame time, he learned the death of an infant ſon, John, whom his princeſs, Eleanor of Caſtile, had born him at Acre in Paleſtine; and as he appeared much leſs affected with that misfortune, the King of Sicily expreſſed a ſurprize at this difference of ſentiment: But was told by Edward, that the death of a ſon was a loſs which he might hope to repair; the death of a father was a loſs irreparable *.

EDWARD proceeded homeward; but as he ſoon learned the quiet ſettlement of the kingdom, he was in no hurry to take poſſeſſion of the throne, but ſpent near a year in France, before he made his appearance in England. In his paſſage by Chalons in Burgundy, he was challenged by the prince of that country to a tournament which he was preparing; and as Edward excelled in theſe martial and dangerous exerciſes, the true image of war, he declined not the opportunity of acquiring honour and renown, in that great aſſembly of the neighbouring nobles. But the image of war was here unfortunately turned into the thing itſelf. Edward and his retinue were ſo ſucceſsful in the jouſts, that the French knights, provoked at their ſuperiority, made a ſerious attack upon them, which was repulſed, and a good deal of blood was idly ſhed in the quarrel †. This rencounter received the name of the petty battle of Chalons. 1273.

EDWARD went from Chalons to Paris, and did homage to Philip for the dominions which he held in France ‡. He thence returned to Guienne, and gave a ſettlement to that province, which was in ſome confuſion. He made his journey by land into England; in his paſſage he accommodated at Montreuil a difference with Margaret, counteſs of Flanders, heireſs of that territory §; he was received with joyful acclamations by his people, and was ſolemnly crowned at Weſtminſter by Robert, archbiſhop of Canterbury. 1274. 19th Auguſt.

THE King immediately applied himſelf to the re-eſtabliſhment of his kingdom, and to the correcting of thoſe diſorders, which the civil commotions and the looſe adminiſtration of his father had introduced into every part of government. The plan of his policy was equally generous and prudent. He conſidered the great barons both as the immediate rivals of the crown, and the oppreſſors of the peo- Civil adminiſtration of the King.

* Walſingh. p. 44. Trevet, p. 240. † Walſing. p. 44. Trevet, p. 241. M. Weſt. p. 402.
‡ Walſin. p. 45. § Rymer, vol. 2. p. 32, 33.

ple;

Chap. XIII. 1274. ple; and he propoſed by an exact diſtribution of juſtice, and a rigid execution of the laws, to give at once protection to the inferior orders of the ſtate, and to diminiſh the arbitrary power of the great, on which their dangerous authority was chiefly founded. Making it a rule of his own conduct to obſerve, except on extraordinary occaſions, the privileges ſecured to them by the great charter, he acquired a right to inſiſt upon their obſervance of the ſame charter towards their vaſſals and inferiors; and he made the crown be regarded by all the gentry and commonalty of the kingdom, as the great fountain of juſtice, and the general aſſylum againſt oppreſſion. Beſides enacting ſeveral excellent ſtatutes, in a 1275. 16th Feb. parliament which he ſummoned at Weſtminſter, he took care to inſpect the conduct of all his magiſtrates and judges, to diſplace ſuch as were either negligent or corrupt, to provide them with ſufficient force for the execution of juſtice, to root out all bands and confederacies of robbers, and to repreſs thoſe more ſilent robberies, which were committed either by the power of the nobles, or under the countenance of public authority. By this rigid adminiſtration, the face of the kingdom was ſoon changed; and order and juſtice took place of violence and oppreſſion: But amidſt the excellent inſtitutions and public-ſpirited plans of Edward, there ſtill appears ſomewhat both of the ſeverity of his perſonal character, and of the prejudices of the times.

As the various kinds of malefactors, the murderers, robbers, incendiaries, raviſhers, and plunderers, had become ſo numerous and powerful, that the ordinary miniſters of juſtice, eſpecially in the weſtern counties, were afraid to execute the laws againſt them, the King found it neceſſary to provide an extraordinary remedy for the evil; and he erected for the puniſhment of crimes a new tribunal, which, however uſeful, would have been deemed, in times of more regular liberty, a very great ſtretch of illegal and arbitrary power. It conſiſted of commiſſioners, who were empowered to enquire into diſorders and crimes of all kinds, and to inflict the proper puniſhments upon them. The officers, charged with this unuſual commiſſion, made their circuits throughout the counties of England moſt infected with this evil, and carried terror into all thoſe parts of the kingdom. In their zeal to puniſh crimes, they did not ſufficiently diſtinguiſh between the innocent and guilty; the ſmalleſt ſuſpicion became the ground of accuſation and trial; the ſlighteſt evidence was received againſt criminals; the priſons were crowded with malefactors, real or pretended; ſevere fines were levied for ſmall offences; and the King, tho' his exhauſted revenue was ſupplied by this expedient, found it neceſſary to ſtop the courſe of ſo great rigour, and after terrifying and diſſipating

diſſipating by this tribunal the gangs of diſorderly people in England, he very prudently annulled the commiſſion *; and never afterwards renewed it. Chap. XIII. 1275.

Among the various diſorders, to which the kingdom was ſubject, no one was more univerſally complained of than the adulteration of the coin; and as this crime required more art than the Engliſh of that age, who chiefly employed force and violence in their iniquities, were poſſeſſed of, the imputation fell chiefly upon the Jews †. Edward alſo ſeems to have indulged a ſtrong prepoſſeſſion againſt that nation; and this ill-judged zeal for Chriſtianity being naturally augmented by an expedition to the Holy Land, he let looſe the whole rigour of his juſtice againſt this unhappy people. Two hundred and eighty of them were hanged at once for this crime in London alone, beſides thoſe who ſuffered in other parts of the kingdom ‡. The houſes and lands, (for the Jews had of late ventured to make purchaſes of that kind) as well as the goods of great multitudes, were ſold and confiſcated: And the King, leſt it ſhould be ſuſpected, that the riches of the ſufferers were the chief part of their guilt, ordered one half of the money, raiſed by theſe confiſcations, to be ſet apart, and beſtowed upon ſuch as were willing to be converted to Chriſtianity. But the reſentment of their injuries was more prevalent over them, than the temptation from their poverty; and very few of them could be induced by intereſt to embrace the religion of their perſecutors. The miſeries of this people were not here terminated. Tho' the arbitrary talliages and exactions levied upon them, had yielded a conſtant and a conſiderable revenue to the crown; Edward, prompted by his zeal and rapacity, reſolved ſome time after § to purge the kingdom entirely of that hated race, and to ſeize to himſelf at once their whole property as the reward of his labour ‖. He left them only money ſufficient to bear their charges into foreign countries, where new perſecutions and extortions awaited them: But the inhabitants of the cinque ports, imitating the bigotry and avidity of their ſovereign, deſpoiled moſt of them of this ſmall pittance, and even threw many of the Jews into the ſea: A crime, for which the King, who was determined to be the ſole plunderer in his dominions, inflicted a capital puniſhment upon them. No leſs than fifteen thouſand Jews were at this time robbed of their effects and baniſhed the kingdom: Very few of that nation have ſince lived in England: And as it is impoſſible for a kingdom to ſubſiſt without lenders of money, and none will lend without a compenſation, the practice of uſury, as it was then called, was thenceforth exerciſed by the Engliſh

* Spellman's Gloſſ. in verbo Trailbaſton. But Spellman was either miſtaken in placing this commiſſion in the fifth year of the King, or it was renewed in 1305. See Rymer, vol. 2. p. 960. Trivet. p. 338. M. Weſt. p. 450. † Walſin, p. 48. Heming, vol. 1. p. 6. ‡ T. Wykes, p. 107. § In the year 1290. ‖ Walſin, p. 54. Heming, vol. 1. p. 20. Trivet, p. 266.

Chap. XIII. 1275. themſelves, upon their fellow-citizens, or by Lombards and other foreigners. It is very much to be queſtioned whether the dealings of theſe new uſurers were equally open and unexceptionable with thoſe of the old. By a law of Richard, it was enacted, that three copies ſhould be made of every bond given to a Jew; one to be put into the hands of a public magiſtrate, another into thoſe of a man of credit, and a third to remain with the Jew himſelf *. But as the canon law, ſeconded by the municipal, permitted no Chriſtian to receive intereſt, all tranſactions of this kind muſt, after the baniſhment of the Jews, have become more ſecret and clandeſtine, and the lender, of conſequence, be paid both for the uſe of his money, and for the infamy and danger which he incurred by lending it.

THE great poverty of the crown, tho' no excuſe, was probably the cauſe of this egregious tyranny exerciſed againſt the Jews; but Edward practiſed alſo other more honourable means of remedying that evil. He employed a ſtrict frugality in the management and diſtribution of his revenue: He engaged the parliament to vote him a fifteenth of all moveables; the Pope to grant him the tenth of all eccleſiaſtical revenues for three years; and the merchants to conſent to a perpetual impoſition of half a mark on every ſack of wool exported, and a mark on three hundred ſkins. He alſo iſſued commiſſions to enquire into all encroachments on the royal demeſne; into the value of eſcheats, forfeitures, and wardſhips; and into the means of repairing or improving every branch of the revenue †. The commiſſioners, in the execution of their office, began to carry matters too far againſt the nobility, and to queſtion the titles to eſtates, which had been tranſmitted from father to ſon for ſeveral generations. Earl Warrenne, who had done ſuch eminent ſervice in the late reign, being required to ſhow his titles, drew his ſword; and ſubjoined, that William, the Norman, had not conquered the kingdom for himſelf alone; his anceſtor was a joint adventurer in the cauſe; and he himſelf was determined to maintain what had from that period remained unqueſtioned in his family. The King, ſenſible of the danger, very prudently deſiſted from making farther enquiries of this nature.

1276. Conqueſt of Wales. BUT the active ſpirit of Edward could not long remain without employment. He ſoon after undertook an enterprize more ſafe for himſelf, and more advantageous to his people. Lewellyn, prince of Wales, had been deeply engaged with the Mounfort faction; had entered into all their conſpiracies againſt the crown; had frequently fought on their ſide; and till the battle of Eveſham, ſo fatal to that party, had employed every expedient to depreſs the royal cauſe, and to promote the ſucceſs of the barons. In the general accommodation, made with the van-

* Trivet. p. 128. † Ann. Waverl. p. 235.

quiſhed,

quiſhed, Lewellyn had alſo obtained his pardon; but as he was the moſt powerful, and therefore the moſt obnoxious vaſſal of the crown, he had reaſon to entertain anxiety about his ſituation, and to dread the future effects of reſentment and jealouſy in the Engliſh monarchs. For this reaſon, he had determined to provide for his ſecurity by maintaining a ſecret correſpondence with his former aſſociates; and he even made his addreſſes to a daughter of the earl of Leiceſter, who was ſent to him from beyond ſea, but being intercepted in her paſſage near the iſles of Scilly, was detained in the court of England *. This incident encreaſing the mutual jealouſy between Edward and Lewellyn, the latter, when required to come to England, and do homage to the new King, ſcrupled to put himſelf into the hands of an enemy, deſired a ſafe conduct from Edward, inſiſted upon having the King's ſon and other noblemen delivered to him as hoſtages, and demanded, that his ſpouſe ſhould be previouſly ſet at liberty †. The King, having now brought the ſtate to a full ſettlement, was not diſpleaſed with this occaſion of exerciſing his authority, and ſubduing entirely the principality of Wales. He refuſed all Lewellyn's demands, except that of a ſafe conduct; ſent him repeated ſummons to perform the duty of a vaſſal; levied an army to reduce him to obedience; obtained a new aid of a fifteenth from parliament; and marched out with certain aſſurance of ſucceſs againſt the enemy. Beſides the great diſproportion of force between the kingdom and principality, the circumſtances of the two ſtates were now entirely reverſed; and the ſame inteſtine diſſentions, which had formerly weakened England, now prevailed in Wales, and had even taken place in the reigning family. David and Roderic, brothers to Lewellyn, had been diſpoſſeſſed of their inheritance by that prince, had been obliged to have recourſe to the protection of Edward, and ſeconded with all their intereſt, which was extenſive, his attempts to enſlave their native country. The Welſh prince had no other reſource but in the inacceſſible ſituation of his mountains, which had hitherto, thro' many ages, defended his forefathers againſt all the attempts of the Saxon and Norman conquerors; and he retired among the hills of Snowdun, reſolute to defend himſelf to the laſt extremity. But Edward equally vigorous and cautious, entering by the north with a formidable army, pierced into the heart of the country; and having carefully explored every road before him, and ſecured every paſs behind him, approached the Welſh army in its laſt retreat. He here avoided the putting to trial the valour of a nation, proud of its antient independance, and enflamed with animoſity againſt its hereditary enemies; and he truſted to the ſlow, but ſure effects of famine, for reducing that people to

Chap. XIII. 1276. 1277.

* Walſin. p. 46, 47. Heming, vol. 1. p. 5. Trivet, p. 248. † Rymer, vol. 2. p. 68. Walſin. p. 46. Trivet. p. 247.

Chap. XIII. 1277. subjection. The rude and simple manners of the natives, as well as the mountainous situation of their country, had made them entirely neglect tillage, and trust to pasturage alone for their subsistance: A method of life which had hitherto secured them against the irregular attempts of the English, but exposed them to certain ruin, when the conquest of the country was steddily pursued, and prudently planned by Edward. Destitute of magazines, cooped up in a narrow corner, they and their cattle suffered equally from famine; and Lewellyn, without being able to strike a stroke for his independance, was at last obliged to submit at

19th Nov. discretion, and receive the terms imposed upon him by the victor *. He bound himself to pay to Edward 50000 l. as reparation of damages; to do homage to the crown of England; to permit all the other barons of Wales, except four near Snowdun, to swear fealty to the same crown; to relinquish the country between Cheshire and the river Conway; to settle on his brother Roderic a thousand marks a year, and on David five hundred; and to deliver ten hostages for security of his future submission †.

EDWARD, on the performance of the other articles, remitted to the prince of Wales the payment of the 50000 l. ‡, which were stipulated by treaty, and which, it is probable, the poverty of the country made it absolutely impossible for him to levy. But complaints of other hardships soon arose on the side of the vanquished: The English, insolent on their easy and bloodless victory, oppressed the inhabitants of the districts which were yielded to them: The lords marchers committed with impunity all kinds of violence on their Welsh neighbours: New and more severe terms were imposed on Lewellyn himself; and Edward, when the prince attended him at Worcester, exacted a promise that he would retain no person in his principality who should be disagreeable to the English monarch §. There were other personal insults, which raised the indignation of the Welsh, and made them determine rather to encounter a force, which they had already experienced to be so much superior, than to bear any longer the oppression of the haughty victors. Prince David, seized with the national spirit, made peace with his brother, and promised to concur in the defence of public liberty. The Welsh flew to arms; and Edward, not displeased with the occasion of making his conquest final and absolute, summoned together all his military tenants, and advanced into Wales with an army, which the inhabitants could not reasonably hope to resist. The situation of the country gave the Welsh at first some advantage over Luke de Tany, one of Edward's captains, who had passed the Menau

* T. Wykes, p. 105. † Rymer, vol. 2. p. 88. Walsin. p. 47. Trivet. p. 251. T. Wykes, p. 106. ‡ Rymer, p. 92. § Dr. Powell's Hist. of Wales, p. 344, 345.

with

with a detachment * : But Lewellen, being ſurprized by Mortimer, was defeated and ſlain in the action, and 2000 of his followers put to the ſword †. David, who ſucceeded him in the principality, could never collect an army ſufficient to face the Engliſh; and being chaced from hill to hill, and hunted from one retreat to another, was obliged to conceal himſelf under various diſguiſes, and was at laſt betrayed in his lurking-place to the enemy. Edward ſent him in chains to Shrewſbury; and bringing him to a formal trial before all the peers of England, ordered this ſovereign prince to be hanged, drawn, and quartered, as a traitor, for defending by arms the liberties of his native country, together with his own hereditary authority ‡. All the Welſh nobility ſubmitted to the conqueror; the laws of England, with the ſheriffs and other miniſters of juſtice, were eſtabliſhed in that principality; and tho' it was long before national antipathies were extinguiſhed, and a thorough union accompliſhed between the people, yet this important conqueſt, which it had required eight hundred years fully to effectuate, was at laſt, thro' the abilities of Edward, compleated by the Engliſh. Chap XIII. 1281. 1283.

THE King, ſenſible that nothing kept alive the ideas of military valour and of ancient glory, ſo much as the traditional poetry of the people, which, aſſiſted by the power of muſic, and the jollity of feſtivals, made deep impreſſion on the minds of the youth, gathered together all the Welſh bards, and from a barbarous, tho' not abſurd policy, ordered them to be put to death §. 1284.

THERE prevails a vulgar ſtory, which, as it ſuits exactly the capacity of the monkiſh writers, is carefully recorded by them: That Edward aſſembling the Welſh, promiſed to give them a prince of unexceptionable manners, a Welſhman by birth, and one who could ſpeak no other language. On their acclamations of joy, and promiſe of obedience, he inveſted in the principality his ſecond ſon Edward, then an infant, who had been born at Carnarvon. The death of his eldeſt ſon Alfonſo, ſoon after, made young Edward heir of the monarchy: The principality of Wales was fully annexed to the crown; and henceforth gives a title to the eldeſt ſon of the kings of England.

THE ſettlement of Wales appeared ſo complete to Edward, that in leſs than two years after, he went abroad in order to make peace between Alphonſo, King of Arragon, and Philip le Bel, who had newly ſucceeded his father Philip le Hardy in the throne of France ‖. The difference between theſe two princes had 1286.

* Walſin. p. 50. Heming, vol. 1. p. 9. Trivet, p. 258. T. Wykes, p. 110. † Heming, vol. 1. p. 11. Trivet, p. 257. Ann. Waverl. p. 235. ‡ Heming, vol. 1. p. 12. Trivet, p. 259. Ann. Waverl. p. 238. T. Wykes, p. 111. M. Weſt. p. 411. § Sir J. Wynne, p. 15. ‖ Rymer, vol. 2. p. 149, 150, 174.

Chap. XIII. 1288. ariſen about the kingdom of Sicily, which the Pope, after his hopes from England failed him, had beſtowed on Charles, brother to St. Lewis, and which was claimed upon other titles, by Peter King of Arragon, father to Alphonſo. Edward had powers from both princes to ſettle the peace, and he ſucceeded in his endeavours; but as the controverſy no wiſe regards England, we ſhall not enter into a detail of it. He ſtayed abroad above three years; and on his return, found many diſorders to have prevailed, both from open violence, and from the corruption of juſtice.

THOMAS CHAMBERLAIN, a gentleman of ſome note, had aſſembled ſeveral of his aſſociates at Boſton, in Lincolnſhire, under pretence of holding a tournament, an exerciſe practiſed by the gentry only; but in reality with a view of plundering the rich fair of Boſton, and robbing the merchants. To facilitate his purpoſe, he privately ſet fire to the town; and while the inhabitants were employed in quenching the flames, the conſpirators broke into the booths, and carried off the goods. Chamberlain himſelf was detected and hanged; but maintained ſo ſteddily the point of honour to his accomplices, that he could not be prevailed with, either by money or promiſes, to diſcover any of them. Many other inſtances of robbery and violence broke out, in all parts of England; tho' the ſingular circumſtances, attending this conſpiracy, have made it alone be particularly recorded by hiſtorians *.

1289. BUT the corruption of the judges, by which the fountains of juſtice were poiſoned, ſeemed ſtill of more dangerous conſequence. Edward, in order to remedy this prevailing abuſe, ſummoned a parliament, and brought the judges to a trial, where all of them, except two, who were clergymen, were convicted of this flagrant iniquity, were fined, and depoſed from their office. The amount of the fines levied upon them, is alone a ſufficient proof of their guilt; being above one hundred thouſand marks, an immenſe ſum in thoſe days, and ſufficient to defray the charges of an expenſive war between two great kingdoms. The King afterwards made all the new judges ſwear, that they would take no bribes; but his expedient, of depoſing and fining the old ones, was the more effectual remedy.

WE come now to give an account of the affairs of Scotland, which form the moſt intereſting tranſaction of this reign, and of ſome of the ſubſequent; tho' the intercourſe of that kingdom with England, either in peace or war, had hitherto produced ſo few events of moment, that to avoid tedioufneſs, we have omitted many of them, and have been very conciſe in relating the reſt. If the

* Heming, vol. 1. p. 16, 17.

Scots

Scots had, before this period, any real hiſtory, worthy of the name, except what they pick up from ſcattered paſſages of the Engliſh hiſtorians, theſe events, however minute, yet being the only foreign tranſactions of the nation, might deſerve a place in it. Chap. XII. 1289.

THO' the government of Scotland had been continually expoſed to thoſe factions and convulſions, which are incident to all barbarous, and to many civilized nations; and tho' the ſucceſſions of their Kings, the only part of their hiſtory which deſerves any credit, had been often diſordered by irregularities and uſurpations; the true heir of the royal family had ſtill in the end prevailed, and Alexander III. who had eſpouſed Edward's ſiſter, probably inherited, after a period of above eight hundred years, and thro' a ſucceſſion of males, the ſcepter of all the Scottiſh princes, who had governed the nation, ſince its firſt eſtabliſhment in the iſland. This prince died in 1286 by a fall from his horſe at Kinghorn *, without leaving any male iſſue, and without any deſcendants, except Margaret, born of Eric, King of Norway, and of Margaret, daughter of the Scottiſh monarch. This princeſs, commonly called the maid of Norway, tho' a female, and an infant, and a foreigner, yet being the lawful heir of the kingdom, had, thro' her grandfather's care, been recognized ſucceſſor by the ſtates of Scotland †; and on Alexander's death, the diſpoſitions, which had been previouſly made againſt that event, appeared ſo juſt and prudent, that no diſorders, as might naturally be apprehended, enſued in the kingdom. Margaret was acknowledged queen of Scotland; five Guardians, the biſhops of St. Andrews and Glaſgow, the earls of Fife and Buchan, and James, ſteward of Scotland, entered peaceably upon the adminiſtration; and the infant princeſs, under the protection of Edward, her great uncle, and Eric, her father, who exerted themſelves on this occaſion, ſeemed firmly ſeated on the throne of Scotland. The Engliſh monarch was naturally engaged to build mighty projects on this event; and having lately, by force of arms, brought Wales under ſubjection, he attempted, by the marriage of Margaret with his eldeſt ſon, Edward, to unite the whole iſland into one monarchy, and thereby to give it full ſecurity both againſt domeſtic convulſions and foreign invaſions. The amity, which had of late prevailed between the two nations, and which, even in former times, had never been interrupted by any violent wars or injuries, facilitated extremely the execution of this project, ſo favourable to the happineſs and grandeur of both kingdoms; and the ſtates of Scotland readily gave their aſſent to the Engliſh propoſals, and even agreed, that their young ſovereign ſhould be educated in the court of Edward. Anxious, however, for the liberty and independancy of their country, they took care to ſtipulate very equitable

Affairs of Scotland.

1290.

* Heming. vol. 1. p. 29. Trevet. p. 267.

† Rymer, vol. 2. p. 266.

Chap. XIII. 1290. equitable conditions, ere they entruſted themſelves into the hands of ſo great and ſo ambitious a monarch; that they ſhould enjoy all their antient laws, liberties, and cuſtoms; that in caſe young Edward and Margaret ſhould die without iſſue, the crown of Scotland ſhould revert to the next heirs, and ſhould be inherited by them free and independent; that the military tenants of the crown ſhould never be obliged to go out of Scotland, in order to do homage to the ſovereign of the united kingdoms, nor the chapters of cathedral, collegiate or conventual churches, in order to make elections; that the parliaments, ſummoned for Scots affairs, ſhould always be held within the bounds of that kingdom; and that Edward ſhould bind himſelf, under the penalty of 100,000 marks, payable to the Pope for the uſe of the holy wars, to obſerve all theſe articles *. It is not eaſy to conceive that two nations could have treated more on a footing of equality than Scotland and England maintained during the courſe of this whole tranſaction: And tho' Edward gave his aſſent to the article, concerning the future independancy of the Scottiſh crown, with a *ſaving of his former rights*; this reſerve gave no alarm to the nobility of Scotland, both becauſe theſe rights, having been hitherto little heard of, had occaſioned no diſturbance, and becauſe the Scots had ſo near a proſpect of ſeeing them entirely abſorbed in the rights of their ſovereignty.

1291. But this project, ſo happily formed and ſo amicably conducted, failed of ſucceſs, by the ſudden death of the Norvegian princeſs, who expired on her paſſage to Scotland †, and left a very diſmal proſpect to the kingdom. Tho' diſorders were for the preſent obviated by the authority of the regency formerly eſtabliſhed, the ſucceſſion of the crown itſelf was now become an object of diſpute; and the regents could not expect, that a controverſy, which is not uſually decided by reaſon and argument alone, would be peaceably ſettled by them, or even by the ſtates of the kingdom, amidſt ſo many powerful pretenders. The poſterity of William, King of Scotland, the prince, who was taken priſoner by Henry II. being all extinct by the death of Margaret of Norway; the right to the crown was devolved on the line of David, earl of Huntington, brother to William, whoſe male line, being alſo extinct, left the ſucceſſion open to the poſterity of his daughters. The earl of Huntington had three daughters; Margaret, married to Alan lord of Galloway, Iſabella, wife of Robert Brus or Bruce, lord of Annandale, and Adama, who eſpouſed Henry lord Haſtings. Margaret, the eldeſt of the three ſiſters, left one daughter, Devergilda, married to John Baliol, by whom ſhe had a ſon of the ſame name, one of the preſent candidates for the crown: Iſabella II. bore a ſon, Robert Bruce, who was now alive, and alſo inſiſted on his

Competitors for the crown of Scotland.

* Rymer, vol. 2. p. 482. † Heming, vol. 1. p. 30. Trevet. p. 268.

claim;

claim: Adama III. left a ſon, John Haſtings, who pretended that the kingdom of Scotland, like many other inheritances, was diviſible among the three daughters of the earl of Huntington, and that he, in the right of his mother, had a title to the third of it. Baliol and Bruce united againſt Haſtings, in maintaining that the ſucceſſion to the crown was impartible; but each of them, ſupported by plauſible reaſons, aſſerted the preference of his own title. Baliol was ſprung from the elder branch; Bruce was one degree nearer the common ſtock: If the right of repreſentation was regarded, the former had the better claim: If propinquity was conſidered, the latter was entitled to the preference *: The ſentiments of men were divided: All the nobility had taken party with one ſide or the other: The people followed implicitely their leaders: The two candidates themſelves had great power and numerous retainers in Scotland: And it is no wonder, that among a rude people, more accuſtomed to arms than enured to laws, a controverſy of this nature, which could not be decided by any former precedent among them, and which is capable of exciting commotions in the moſt legal and beſt eſtabliſhed governments, ſhould threaten the ſtate with the moſt fatal convulſions. Chap. XIII. 1291.

EACH age has its peculiar mode in conducting buſineſs; and men, guided more by cuſtom than by reaſon, follow, without enquiry, the manners, which are prevalent in their own time. The preſent practice, in the controverſies between ſtates and princes, ſeems to have been to chooſe a foreign prince, as an equal arbiter, by whom the queſtion was decided, and whoſe ſentence prevented thoſe diſmal confuſions and diſorders, inſeparable at all times from war, but which were multiplied an hundred fold, and diſperſed into every corner, by the nature of the feudal governments. It was thus that the Engliſh king and barons, in the forgoing reign, had endeavoured to compoſe their domeſtic diſſenſions by a reference to the King of France; and the celebrated integrity of that monarch had prevented all the bad effects, which might naturally have been dreaded from ſo perilous an expedient. It was thus, that the kings of France and Arragon, and afterwards other princes, had ſubmitted their controverſies to Edward's judgment; and the remoteneſs of their ſtates, the great power of the princes, and the little intereſt, which he had on either ſide, had induced him to acquit himſelf with honour in his deciſions. The parliament of Scotland, therefore, threatened with a furious civil war, and allured by the great reputation of the Engliſh monarch, as well as by the preſent amicable correſpondence between the kingdoms, agreed in making a reference to Edward; and Fraſer, biſhop of St. Andrews, with other deputies, was ſent to notify to him their reſolution, and to claim his Reference to Edward.

* Heming. vol. 1. p. 36.

good

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good offices in the preſent dangers to which they were expoſed *. His inclination, they flattered themſelves, led him to prevent their diſſenſions, and to interpoſe with a power, which none of the candidates would dare to withſtand: When this expedient was propoſed by one party, the other deemed it dangerous to object to it: Indifferent perſons thought that the imminent perils of a civil war would thereby be prevented: And no one reflected on the ambitious character of Edward, and the almoſt certain ruin, which muſt attend a ſmall ſtate, divided by factions, when it thus implicitely ſubmits itſelf to the will of ſo powerful and encroaching a neighbour.

Homage of Scotland.

THE temptation was too ſtrong for the virtue of the Engliſh monarch to reſiſt. He propoſed to lay hold of the preſent favourable opportunity, and if not to create, at leaſt to revive, his claim of a feudal ſuperiority over Scotland; a claim which had hitherto lain in the deepeſt obſcurity, and which, if ever it had been an object of attention, or had been ſo much as ſuſpected, would have effectually prevented the Scottiſh barons from chooſing him for an arbiter. He well knew, that, if this pretenſion was once ſubmitted to, as it ſeemed difficult in the preſent ſituation of Scotland to oppoſe it, the abſolute ſovereignty of that kingdom, (which had been the caſe with Wales) would ſoon follow; and that one great vaſſal, cooped up in an iſland with his liege lord, without reſource from foreign powers, without aid from any fellow vaſſals, could not long maintain his dominions againſt the efforts of a mighty kingdom, aſſiſted by all the cavils which the feudal law afforded his ſuperior againſt him. In purſuit of this great object, very advantageous to England, perhaps in the end no leſs beneficial to Scotland, but extremely unjuſt and iniquitous in itſelf, Edward buſied himſelf in ſearching for proofs of his pretended ſuperiority; and inſtead of looking into his own archives, which, if his claim had been real, muſt have afforded him numerous records of the homages paid by the Scottiſh princes, and could alone yield him any authentic teſtimony, he made all the monaſteries be ranſacked for old chronicles and hiſtories wrote by Engliſhmen, and he collected all the paſſages, which ſeemed any wiſe to favour his pretenſions †. Yet even in this method of proceeding, which muſt have diſcovered to himſelf the injuſtice of his claim, he was far from being fortunate. He began his proofs from the time of Edward the elder, and continued them thro' all the Saxon and Norman times; but produced nothing to his purpoſe ‡. The whole amount of his authorities during the Saxon period, when ſtripped of the bombaſt and inaccurate ſtyle of the monks, is, that the Scots had ſometimes been defeated by the Engliſh, had

* Heming. vol. 1. p. 31. † Walſing. p. 55. ‡ Rymer. vol. 2. p. 559.

received

received peace on disadvantageous terms, had made submissions to the English monarch, and had even perhaps fallen into some dependance on a power, which was so much superior, and which they had not at that time sufficient force to resist. His authorities from the Norman period were, if possible, still less conclusive: The historians indeed make frequent mention of an homage paid by the northern potentate; but no one of them says that it was done for his kingdom, and several of them declare, in express terms, that it was relative only to the fiefs which he enjoyed south of the Tweed *; in the same manner, as the King of England himself swore fealty to the French monarch, for the fiefs, which he inherited in France. And to such scandalous shifts was Edward reduced, that he quotes a passage from Hoveden †, where it is asserted, that a Scottish King had done homage to England; but he purposely omits the latter part of the same sentence, which expresses that this prince did homage for the lands, which he held in England. Chap. XIII. 1291.

When William, King of Scotland, was taken prisoner in the battle of Alnwic, he was obliged, for the recovery of his liberty, to swear fealty to the victor for his crown itself. The deed was performed according to all the rites of the feudal law: The record was preserved in the English archives, as well as mentioned by all the historians: But as it is the only one of the kind, and as historians speak of this superiority as a great acquisition gained by the fortunate arms of Henry II. ‡ there can remain no doubt, that the kingdom of Scotland was, in all former periods, entirely free and independent. Its subjection continued a very few years: King Richard, desirous, before his departure for the Holy Land, to conciliate the friendship of William, renounced that homage, which he says in express terms, had been *extorted* by his father; and he only retained the usual homage, which had been done by the Scottish princes for the lands, which they held in England.

But tho' this transaction rendered the independance of Scotland still more unquestionable, than if no fealty had ever been sworn to the English crown; the Scottish Kings, apprized of the point aimed at by their powerful neighbours, seem for a long time to have retained some jealousy on that head, and in doing homage, to have anxiously obviated all such pretensions. When William in 1200 did homage to John at Lincoln, he was careful to insert a salvo for his royal dignity §: When Alexander III. sent assistance to his father in law, Henry III. during the barons wars, he previously procured an acknowledgment, that this aid

* Hoveden, p. 492, 662. M. Paris, p. 109. M. Westm. p. 256. † P. 662. ‡ Neubr. lib. 2. cap. 4. Knyghton, p. 2392. § Hoveden, p. 811.

Chap. XIII. 1291. was only granted from friendſhip, not from any right claimed by the Engliſh monarch *: And when the ſame prince was invited to aſſiſt at the coronation of this very Edward, he declined attendance, till he received a like acknowledgment †.

But

* Rymer, vol. 2. p. 844.

† Rymer, vol. 2. p. 216, 845. There cannot be the leaſt queſtion, that the homage uſually paid by the kings of Scotland was not for their crown, but for ſome other territory. The only queſtion remains, what that territory was? It was not always for the earldom of Huntington, nor the honour of Penryth; becauſe we find it ſometimes done at a time when theſe poſſeſſions were not in the hands of the kings of Scotland. It is probable, that the homage was performed in general terms without any particular ſpecification of territory; and this inaccuracy had proceeded either from ſome diſpute between the two kings about the territory and ſome oppoſite claims, which were compromiſed by the general homage, or from the ſimplicity of the age, which employed few words in every tranſaction. To prove this we need but look into the letter of King Richard, where he reſigns the homage of Scotland, reſerving the uſual homage. His words are, *Sæpedictus W. Rex ligius homo noſter deveniat de omnibus terris de quibus anteceſſores ſui anteceſſorum noſtrorum ligii homenes fuerunt, et nobis atque hæredibus noſtris fideletatem jurarunt.* Rymer, vol. 1. p. 65. Theſe general terms were probably copied from the uſual form of the homage itſelf,

It is no proof that the kings of Scotland poſſeſſed no lands nor baronies in England, becauſe we cannot find them in the imperfect hiſtories and records of that age. For inſtance, it appears clearly from another paſſage of this very letter of Richard, that the Scottiſh King had lands both in the county of Huntington and elſewhere in England; tho' the earldom of Huntington itſelf was then in the perſon of his brother, David; and we know at preſent of no other baronies, which William held. It cannot be expected that we ſhould now be able to ſpecify all his fees which he either poſſeſſed or claimed in England; when it is probable that the two monarchs themſelves and their miniſters, would at that very time have differed in the liſt: The Scottiſh King might poſſeſs ſome to which his right was diſputed; he might claim others, which he did not poſſeſs: And neither of the kings was willing to reſign his pretenſions by a particular enumeration.

A late author of great induſtry and learning, but full of prejudices, and of no penetration, Mr. Carte, has taken advantage of the undefined terms of the Scots homage, and has pretended that it was done for Lothian and Galloway, that is, all the territories of the country now called Scotland, lying ſouth of the Clyde and Forth. But to refute this pretenſion at once, we need only conſider, that if theſe territories were held in fee of the Engliſh Kings, there would, by the nature of the feudal law as eſtabliſhed in England, have been continual appeals from them to the courts of the lord Paramont; contrary to all the hiſtories and records of that age. We find, that, as ſoon as Edward really eſtabliſhed his ſuperiority, appeals immediately commenced from all parts of Scotland: And that King, in his writ to the king's bench, conſiders them as a neceſſary conſequence of the feudal tenure. Such large territories alſo would have ſupplied a conſiderable part of the Engliſh armies, which never could have eſcaped all the hiſtorians. Not to mention that there is not any inſtance of a Scots priſoner of war being tried as a rebel, in the many hoſtilities between the kingdoms, where the Scots armies were chiefly filled from the ſouthern counties.

Mr. Carte's notion with regard to Galloway, which comprehends, in the language of that age, or rather in that of the preceding, moſt of the ſouth weſt counties of Scotland; his notion, I ſay, reſts

on

BUT as all theſe reaſons, (and ſtronger could not be produced) were but a feeble rampart againſt the power of the ſword, Edward, carrying with him a great army, which Chap. XIII. 1291.

on ſo ſlight a foundation, that it ſcarce merits being refuted. He will have it (and merely becauſe he will have it) that the Cumberland, yielded by King Edmund to Malcolm I. meant not only the county in England of that name, but all the territory northwards to the Clyde. But the caſe of Lothian deſerves ſome more conſideration.

IT is certain, that in very antient language, Scotland means only the country north of the firths of Clyde and Forth. I ſhall not make a parade of literature to prove it; becauſe I do not find that this point is diſputed by the Scots themſelves. The ſouthern country was divided into Galloway and Lothian; and the latter comprehended all the ſouth eaſt counties. This territory was certainly a part of the antient kingdom of Northumberland, and was entirely peopled by Saxons, who afterwards received a great mixture of Danes among them. It appears from all the Engliſh hiſtories, that the whole kingdom of Northumberland paid very little obedience to the Saxon monarchs, who governed after the diſſolution of the heptarchy; and the northern and remote parts of it ſeem to have fallen into a kind of anarchy, ſometimes pillaged by the Danes, and ſometimes concurring with them in their ravages upon other parts of England. The kings of Scotland, lying nearer them, took at laſt poſſeſſion of the country, which had ſcarce any government, and we are told by Matthew of Weſtminſter, p. 193. that King Edgar made a grant of the territory to Kenneth III. that is, he reſigned claims, which he could not make effectual, without beſtowing on them more trouble and expence than they were worth: For theſe are the only grants of provinces made by kings; and ſo ambitious and active a prince as Edgar would never have given preſents of any other kind. Tho' Matthew of Weſtminſter's authority may appear ſmall with regard to ſo remote a tranſaction; yet we may admit it in this caſe, becauſe Ordericus Vitalis, a very good authority, tells us, p. 701. that Malcolm acknowledged to William Rufus, that the conqueror had confirmed to him the former grant of Lothian. But it follows not, becauſe Edgar made this ſpecies of grant to Kenneth, that therefore he exacted homage for that territory. Homage and the whole rites of the feudal law were very little known to the Saxons; and we may alſo ſuppoſe, that the claim of Edgar was ſo antiquated and weak, that in reſigning it, he made no very valuable conceſſion, and Kenneth might well refuſe to hold by ſo precarious a tenure a territory, which he at preſent held by the ſword. In ſhort, no author ſays, he did homage for it.

THE only colour indeed of authority for Mr. Carte's notion is, that Matthew Paris, who wrote in the reign of Henry III. before Edward's claim of ſuperiority was heard of, ſays that Alexander III. did homage to Henry III. *pro Laudiano et aliis terris.* See page 555. This word ſeems naturally to be interpreted Lothian. But in the firſt place, Matthew Paris's teſtimony, tho' conſiderable, will not outweigh that of all the other hiſtorians, who ſay that the Scots homage was always done for lands in England. Secondly, if the Scots homage was done in general terms (as has been already proved) it is no wonder that hiſtorians ſhould differ in their account of the object of it, ſince the parties themſelves were not fully agreed. Thirdly, there is reaſon to think that *Laudianum* in Matthew Paris does not mean Lothian in Scotland. There appears to have been a territory, which antiently bore that or a ſimilar name, in the north of England. For (1) The Saxon Chronicle, p. 197. ſays that Malcolm Kenmure met William Rufus in Lodene in England. (2) It is agreed by all the hiſtorians, that Henry II. only reconquered from Scotland the northern counties of Northumberland, Cumberland, and Weſtmorland. See Newbriggs, p. 383. Wykes, p. 30. Hemingford, p. 492. Yet the ſame country is called by other hiſtorians Loidis, comitatus Lodonenſis, or ſome ſuch name. See M. Paris, p. 68. M. Weſt. p. 247. Annal. Waverl. p. 159. and Diceto, p. 531. (3) This laſt mentioned author,

Chap. XIII. 1291. which was to enforce his proofs, advanced to the frontiers, and invited the Scots parliament and all the competitors to attend him in the caſtle of Norham, a place ſituated on the ſouthern banks of the Tweed, in order to determine that cauſe, which had been referred to his arbitration. But tho' this deference ſeemed due to ſo great a monarch, and was no more than what his father and the Engliſh barons had, in ſimilar circumſtances, paid to Lewis IX. the King, careful not to give umbrage, and determined never to produce his claim, till it ſhould be too late to think of oppoſition, ſent the Scottiſh barons an acknowledgement, that, tho' at this time they paſſed the frontiers, ſuch a ſtep ſhould never be drawn into precedent, nor afford the Engliſh kings a pretence for exacting a like ſubmiſſion in any future tranſactions *. When the whole Scottiſh nation had thus unwarily put themſelves in his power, Edward opened the conferences at Norham; and informed the parliament, by the mouth of Roger le Brabançon, his chief juſticiary, that he was come thither to determine the right among the competitors to their crown; that he was determined to do ſtrict juſtice to all parties; and that he was intitled to this authority, not in virtue of the reference made to him, but in the quality of ſuperior and liege lord of the kingdom †. He then produced his proofs of this ſuperiority, which he pretended to be unqueſtionable, and he required of them an acknowledgment of it; a demand, which was ſuperfluous if the fact was already known and avowed, and which plainly betrays Edward's conſciouſneſs of his lame and defective title. The Scots parliament were aſtoniſhed at ſo new a pretenſion, and anſwered only by their ſilence. But the King, in order to maintain the appearance of free and regular proceedings,

10th May.

when he ſpeaks of Lothian in Scotland, calls it Loheneis, p. 574. tho' he had called the Engliſh territory Loidis. (4) King David's charter to the church of Durham, begins with this paſſage. *Omnibus Scotis & Anglis, tam in Scotia, quam in Ledoneis conſtitutis*, &c. See Spellman Gloſs. in verbo *Scotia*. Whence we may learn, that the province of *Lodoneium* was not only ſituated ſouth of the Tweed, but alſo extended beyond Durham, and made a part of England.

I thought this long note requiſite in order to correct Mr. Carte's miſtake, an author whoſe diligence and induſtry has given light to many paſſages of the more antient Engliſh hiſtory.

* Rymer, vol. 2. p. 539, 845. Walſing. p. 56.

† Rymer, vol. 2. p. 543. It is remarkable that the Engliſh chancellor ſpoke to the Scots parliament in the French tongue. This was alſo the language commonly made uſe of by all parties on that occaſion. Ibid. paſſim. The moſt conſiderable of the Scots, as well as almoſt all the Engliſh barons, were of French origin; they valued themſelves upon it; and pretended to deſpiſe the language and manners of the iſland. It is difficult to account for the ſettlement of ſo many French families in Scotland, the Bruces, Baliols, St. Clairs, Somervilles, Gordons, Fraſers, Cummins, Colvilles, Umfrevilles, Mowbrays, Hays, Maules, who were not ſupported there as in England, by the power of the ſword. But the ſuperiority of civility and knowledge, however ſmall, over total ignorance and barbariſm, is prodigious.

deſired

desired them to remove into their own country, to deliberate upon his claim, to examine his proofs, to propose all their objections, and then to inform him of their resolutions: And he appointed a plain at Upsetleton, on the northern banks of the Tweed, for that purpose. Chap. XIII. 1291.

When the Scottish barons assembled in this place, tho' moved with indignation at the injustice of this unexpected claim, and at the fraud with which it had been conducted, they found themselves betrayed into a situation, in which it was impossible for them to make any defence for the ancient liberty and independance of their country. The King of England, a martial and politic prince, at the head of a powerful army, lay at a very small distance, and was only separated from them by a river fordable in many places. Tho' by a sudden flight some of them might themselves be able to make their escape; what hopes could they entertain of securing the kingdom against his future enterprizes? Without a head, without union among themselves, attached all of them to different competitors, whose title they had rashly submitted to the decision of this foreign usurper, and who were thereby reduced to an absolute dependance upon him; they could only expect by resistance to entail on themselves and their posterity a more grievous and more destructive servitude. Yet even in this desperate state of their affairs, the Scottish barons, as we learn from Walsingham *, one of the best historians of that period, had the courage to reply, that till they had a King, they could take no resolution on so momentuous a point: The journal of King Edward says, that they made no answer at all †: That is, perhaps, no *particular* answer or objection to Edward's claim: And by this solution it is possible to reconcile the journal with the historian. The King, therefore, interpreting their silence as a consent, addressed himself to the several competitors, and previously to his pronouncing sentence, required their acknowledgement of his superiority.

It is evident from the genealogy of the royal family of Scotland, that there could only be two questions about the succession, that between Baliol and Bruce on the one hand, and lord Hastings on the other, concerning the partition of the crown; and that between Baliol and Bruce themselves, concerning the preference of their respective titles, supposing the kingdom indivisible: Yet there appeared on this occasion no less than nine claimants besides, who challenged the crown; John Comyn or Cummin Lord of Badenoch, Florence earl of Holland, Patrick Dunbar earl of March, William de Vescey, Robert de Pynkeni, Nicholas de Soules, Patrick Galythly, Roger de Mandeville, Robert de Ros; not to mention the

* Page 56. M. West. p. 436. It is said by Hemingford, vol. 1. p. 33. that the King menaced violently the Scots barons, and forced them to compliance, at least to silence. † Rymer, vol. 2. p. 548.

king

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King of Norway, who claimed as heir to his daughter Margaret *. Some of theſe competitors were deſcended from more remote branches of the royal family; others were even ſprung from illegitimate children; and as none of them had the leaſt pretence of right, it is natural to conjecture, that Edward had ſecretly encouraged them to appear in the liſt of claimants, that he might ſow the more diviſions among the Scottiſh nobility, make the cauſe appear the more intricate, and be able to chooſe, among a great number, the moſt obſequious candidate.

But he found them all equally obſequious on this occaſion †. Robert Bruce was the firſt who acknowledged Edward's right of ſuperiority over Scotland; and he had ſo far foreſeen the King's pretenſions, that even in his petition, where he ſet forth his claim to the crown, he had previouſly applied to him as liege-lord of the kingdom; a ſtep which was not taken by any of the other candidates ‡. They all, however, with ſeeming willingneſs made a like acknowledgement when required; tho' Baliol, leſt he ſhould give offence to the Scots nation, had taken care to be abſent during the firſt days; and he was the laſt who recognized the King's title §. Edward next deliberated concerning the method of proceeding in the diſcuſſion of this great controverſy. He appointed, that Baliol and ſuch of the candidates as adhered to him, ſhould chooſe forty commiſſioners; Bruce and his adherents other forty: To theſe the King added twenty-four Engliſhmen: And he ordered theſe hundred and four commiſſioners to examine the cauſe deliberately among themſelves, and make their report to him ‖: And he promiſed in the enſuing year to give his determination. Mean while, he pretended, that it was requiſite to have all the fortreſſes of Scotland delivered into his hands, in order to enable him, without oppoſition, to put the true heir in poſſeſſion of the crown; and this exorbitant demand was complied with, both by the ſtates and the candidates ⊣. The governors alſo of all the caſtles immediately reſigned their command; except Umfreville earl of Angus, who refuſed, without a formal acquittal from the parliament and the ſeveral claimants, to ſurrender his fortreſſes to ſuch a domineering arbiter, who had given to Scotland ſo many juſt reaſons of ſuſpicion *. Before this aſſembly had broke up, which had fixed ſuch a mark of diſhonour on the nation, all the prelates and barons there preſent ſwore fealty to Edward; and that prince appointed commiſſioners to take a like oath of all the other barons and perſons of diſtinction in Scotland †.

* Walſin. p. 58. † Rymer, vol. 2. p. 529, 545. Walſin. p. 56. Heming. vol. 1. p. 33, 34. Trivet. p. 269. M. Weſt. p. 415. ‡ Rymer, vol. 2. p. 577, 578, 579. § Rymer, vol. 2. p. 546. ‖ Rymer, vol. 2. p. 555, 556. ⊣ Rymer, vol. 2. p. 529. Walſin. p. 56, 57. * Rymer, vol. 2. p. 531. † Rymer, vol. 2. p. 573.

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THE King, having finally made, as he imagined, this important acquiſition, left the commiſſioners to ſit at Berwick, and examine the titles of the ſeveral candidates, who claimed the precarious crown, which Edward was willing for ſome time to allow the lawful heir to enjoy. He went ſouthwards, both in order to aſſiſt at the funerals of his mother, Queen Eleanor, who died about this time, and to compoſe ſome differences which had ariſen among his principal nobility. Gilbert earl of Gloceſter, the greateſt baron of the kingdom, had eſpouſed the King's daughter; and being elated by that alliance, and ſtill more by his own exorbitant power, which, he thought, ſet him above the laws, he permitted his bailiffs and vaſſals to commit violences on the lands of Humphrey Bohun earl of Hereford, who retaliated the injury by like violences. But this was not a reign in which ſuch illegal proceedings could paſs with impunity. Edward procured a ſentence againſt the two earls, committed them both to priſon, and would not reſtore them to their liberty, till he exacted a fine of 1000 merks from Hereford, and one of 10,000 from his ſon-in-law.

1292.

DURING this interval, the titles of John Baliol and of Robert Bruce, whoſe claims appeared to be the beſt founded among the competitors to the crown of Scotland, were the ſubject of general diſquiſition, as well as of debate among the commiſſioners. Edward, in order to give greater authority to his intended deciſion, propoſed this general queſtion both to the aſſembly, and to all the celebrated lawyers in Europe; Whether a perſon deſcended from the eldeſt ſiſter, but farther removed by one degree, was preferable in the ſucceſſion of kingdoms, fiefs, and other impartible inheritances, to one deſcended from the younger ſiſter, but one degree nearer the common ſtock? This was the true ſtate of the caſe; and the right of repreſentation had now gained ſuch ground every where, that an uniform anſwer was returned to the King in the affirmative. He therefore pronounced ſentence in favour of Baliol; and when Bruce, upon this diſappointment, joined afterwards lord Haſtings, and claimed a third of the kingdom, which he now pretended to be diviſible, Edward, tho' the intereſts of his ambition ſeemed more to require the partition of Scotland, again pronounced ſentence in favour of Baliol. That candidate, upon renewing his oath of fealty to England, was put in poſſeſſion of the kingdom *; all his fortreſſes were reſtored to him †; and the conduct of Edward, both in the deliberate ſolemnity of the proceedings, and in the juſtice of his award, was ſo far unexceptionable.

Award of Edward in favour of Baliol.

1293.

HAD the King entertained no other view than that of eſtabliſhing his ſuperiority over Scotland, tho' the iniquity of that claim was apparent, and was aggra-

* Rymer, vol. 2. p. 590, 591, 593, 600.

† Rymer, vol. 2. p. 590.

vated

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vated by the moſt egregious breach of truſt, he might have fixed his pretenſions, and have left that important acquiſition to his poſterity: But he immediately proceeded in ſuch a manner, as made it apparent, that, not contented with this uſurpation, he aimed alſo at the abſolute ſovereignty and dominion of the kingdom. Inſtead of gradually enuring the Scots to bear the yoke, and exerting his rights of ſuperiority with moderation, he encouraged all appeals to England; required King John himſelf, by ſix different ſummons on trivial occaſions, to come to London *; refuſed him the privilege of defending his cauſe by a procurator; and obliged him to appear at the bar of his parliament as a private perſon †. Theſe humiliating demands were hitherto quite unknown to a King of Scotland: They are however the neceſſary conſequences of vaſſalage by the feudal law; and as there was no preceding inſtance of ſuch treatment ſubmitted to by a prince of that country, Edward muſt, from that circumſtance alone, had there remained any doubt, have been himſelf convinced, that his claim was altogether an uſurpation ‡. But his intention plainly was, to enrage Baliol by theſe indignities, to engage him in rebellion, and to aſſume the dominion of the ſtate as the puniſhment of his treaſon and felony. Accordingly Baliol, tho' a prince of a ſoft and gentle ſpirit, returned into Scotland highly provoked at this uſage, and determined at all hazards to vindicate his liberty; and the war, which ſoon after broke out between France and England, gave him a favourable opportunity for executing his purpoſe.

War with France.

THE violences, robberies and diſorders, to which that age was ſo ſubject, were not confined to the licentious barons and their retainers at land: The ſea was equally infeſted with pyracy: The weak execution of the laws had given licence to all orders of men: And a general appetite for rapine and revenge, ſupported by a falſe point of honour, had alſo infected the merchants and mariners, and puſhed them, on any provocation, to ſeek redreſs, by immediate retaliation upon the aggreſſors. A Norman and Engliſh ſhip met off the coaſt near Bayonne; and having both occaſion for freſh water, they ſent their boats to land, and the ſeveral crews came at the ſame time to the ſame ſpring: There enſued

* Rymer, vol. 2. p. 603, 605, 606, 608, 615, 616. † Ryley's Placit. Parl. p. 152, 153.

‡ See Rymer, vol. 2. p. 533, where Edward writes to the King's Bench to receive appeals from Scotland. He knew the practice to be unuſual; yet he eſtabliſhes it as an infallible conſequence of his ſuperiority. We learn alſo from the ſame book, p. 603, that immediately upon receiving the homage, he changed the ſtyle of his addreſs to the Scots King, whom he now calls *dilecto & fideli*, inſtead of *fratri dilecto & fideli*, the appellation which he had always before uſed to him; ſee p. 109, 124, 168, 280, 1064. This is a certain proof, that he himſelf was not deceived, as was ſcarce indeed poſſible, but that he was conſcious of his uſurpation. Yet he ſolemnly ſwore afterwards to the juſtice of his pretenſions, when he defended them before Pope Boniface.

a quarrel for the preference: A Norman, drawing his dagger, attempted to ſtab an Engliſhman; who, grappling with him, threw his adverſary on the ground; and the Norman, as was pretended, falling on his own dagger, was ſlain *. This ſcuffle between two ſeamen about water, kindled ſoon a bloody war between the two nations, and involved a great part of Europe in the quarrel. The mariners of the Norman ſhip carried their complaints to the French King: Philip, without enquiring into the truth, without aſking for redreſs, bid them take revenge, and trouble him no more about the matter †. The Normans, who had been more regular than uſual in applying to the crown, needed but this hint to proceed to immediate violence. They ſeized an Engliſh ſhip in the channel; and hanging, along with ſome dogs, ſeveral of the crew on the yard-arm, in preſence of their companions, diſmiſſed the veſſel ‡; and bad the mariners inform their countrymen, that vengeance was now taken for the blood of the Norman killed at Bayonne. This injury, accompanied by ſo general and deliberate an inſult, was reſented by the mariners of the cinque ports, who, without carrying any complaints to the King, or waiting for redreſs, retaliated by committing like barbarities on all French veſſels without diſtinction. The French, provoked by their loſſes, preyed on the ſhips of all Edward's ſubjects, whether Engliſh or Gaſcon: The ſea became a ſcene of pyracy between the nations: The ſovereigns, without either ſeconding or repreſſing the violence of their ſubjects, ſeemed to continue indifferent ſpectators: The Engliſh made private aſſociations with the Iriſh and Dutch ſeamen; the French with the Flemiſh and Genoeſe §: And the animoſities of the people on both ſides became every day more violent and barbarous. A fleet of two hundred Norman veſſels ſet ſail to the ſouth for wine and other commodities; and in their paſſage, ſeized all the Engliſh ſhips which they met with; hanged the ſeamen, and ſeized the goods. The inhabitants of the Engliſh ſea ports, informed of this event, fitted out a fleet of ſixty ſail, ſtronger and better manned than the others; and awaited the enemy on their return. After an obſtinate battle, they put them to rout, and ſunk, deſtroyed, or took the greateſt part of them ‖. No quarter was given, and it is pretended, that the loſs of the French on this occaſion, amounted to 15,000 men: Which is accounted for by this circumſtance, that the Norman fleet was employed in tranſporting a conſiderable body of ſoldiers from the ſouth.

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The affair was now become too important to be any longer overlooked by the princes. On Philip's ſending an envoy to demand reparation and reſtitution, the

* Walſin. p. 58. Heming. vol. 1. p. 39. † Walſin. p. 58. ‡ Heming, vol. 1. p. 40. M. Weſt. p. 419. § Heming. vol. 1. p. 40. ‖ Walſin. p. 60. Trivet, p. 274. Chron. Dunſt. vol. 2. p. 609.

Chap. XIII. 1293. King dispatched the bishop of London to the French court, in order to accommodate the quarrel. He first said, that the English courts of justice were open to all men; and if any Frenchman were injured, he might seek reparation by course of law *. He next offered to adjust the matter by private arbitrators, or by personal interview with the King of France, or by a reference either to the Pope or the college of cardinals, or any particular cardinals, agreed on by both parties †. The French, probably the more disgusted, as they were hitherto losers in the quarrel, refused all these expedients: The vessels and the goods of merchants were confiscated on both sides: Depredations were continued by the Gascons on all the western coasts of France, as well as by the English in the channel: Philip cited the King, as duke of Guienne, to appear in his court at Paris, and answer for these offences: And Edward, apprehensive of danger to that province, sent John St. John, an experienced soldier, to Bourdeaux, and gave him directions to put Guienne in a posture of defence ‡.

1294. That he might however prevent a final rupture between the nations, the King dispatched his brother, Edmond, earl of Lancaster, to Paris; and as that prince had espoused the Queen of Navarre, mother to Jane, Queen of France, he seemed, on account of that alliance, the most proper person for finding expedients to accommodate the difference. Jane pretended to interpose with her good offices: Mary, the Queen-dowager, feigned the same amicable disposition: And these two princesses told Edmond, that the circumstance, the most difficult to adjust, was the point of honour with Philip, who thought himself affronted by the injuries committed against him by his sub-vassals in Guienne: But if once Edward would consent to give him seizin and possession of that province, he would think his honour fully repaired, and engage to restore it immediately, and would accept of a very easy satisfaction for all the other injuries. The King was consulted on this occasion, and as he then found himself in immediate danger of war with the Scots, which he regarded as the more important concern, this politic prince, blinded by his favourite passion for subduing that nation, allowed himself to be deceived by so gross an artifice §. He sent his brother orders to sign and execute the treaty with the two queens; Philip solemnly promised to execute his part of it; and the King's citation to appear in the court of France, was accordingly recalled: But the French monarch was no sooner put in possession of Guienne, than the citation was renewed; Edward was condemned for non-appearance; and Guienne, by a formal sentence, was declared to be forfeited and annexed to the crown ‖.

* Trivet, p. 275. † Trivet, p. 275. ‡ Trivet, p. 276. § Rymer, vol. 2. p. 619, 620. Walsin. p. 61. Heming. vol. 1. p. 42, 43. Trivet, p. 277. ‖ Rymer, vol. 2. p. 620, 622. Walsin. p. 61. Trivet, p. 278.

EDWARD, fallen into a like ſnare with that which he had ſpread for the Scots, was inraged; and the more ſo, as he was juſtly aſhamed of his own conduct, in being ſo egregiouſly over-reached by the court of France. Senſible of the extreme difficulties, which he would encounter in the recovery of Gaſcony, where he had not retained a ſingle place in his hands; he endeavoured to compenſate that loſs, by forming alliances with ſeveral European princes, who, he propoſed, ſhould attack France on all quarters, and make a diverſion of her forces. Adolphus de Naſſau, King of the Romans, entered into a treaty with him for that purpoſe *; as did alſo Amadæus, count of Savoy, the archbiſhop of Cologne, the counts of Gueldre and Luxembourg; the duke of Brabant and count of Barre, who had married his two daughters, Margaret and Eleanor: But theſe alliances were extremely burdenſome on his narrow revenues, and proved in the iſſue entirely ineffectual. More impreſſion was made on Guienne by an Engliſh army, which he compleated by emptying the jails of many thouſand thieves and robbers, who had been confined there for their crimes. So low had the profeſſion of arms fallen, and ſo much had it degenerated from the footing, on which it ſtood during the vigour of the feudal ſyſtem! Chap. XIII. 1294.

THE King himſelf was detained in England, firſt by contrary winds †, then by his apprehenſions of a Scots invaſion, and by a rebellion of the Welſh, whom he repreſſed and brought again under ſubjection ‡. The army, which he ſent to Guienne, was commanded by his nephew, John de Bretagne, earl of Richmond, and under him by St. John, Tibetot, de Vere, and other officers of reputation §; who made themſelves maſters of the town of Bayonne, as well as of Bourg, Blaye, Rions, St. Severe, and other places, which ſtraitened Bourdeaux, and cut off its communication both by ſea and land. The favour, which the Gaſcon nobility bore to the Engliſh government, facilitated theſe conqueſts, and ſeemed to promiſe ſtill greater ſucceſſes; but this advantage was ſoon loſt by the miſconduct of ſome of the officers. Philip's brother, Charles de Valois, who commanded the French armies, having laid ſiege to Podenſac, a ſmall fortreſs near Rions, obliged Giffard, the governor, to capitulate; and the articles, tho' favourable to the Engliſh, left all the Gaſcons priſoners at diſcretion, of whom about fifty were hanged by Charles as rebels: A policy, by which he both intimidated that people, and produced an irreparable breach between them and the Engliſh ‖. That prince immediately attacked Rions, where the earl of Richmond 1295.

* Heming. vol. 1. p. 51. † Chron. Dunſt. vol. 2. p. 622. ‡ Walſing. p. 62.
Heming. vol. 1. p. 55. Trevet, p. 282. Chron. Dunſt. vol. 2. p. 622. § Trevet. p. 279.
‖ Heming. vol. 1. p. 49.

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himſelf commanded; and as the place ſeemed not very defenſible, the Engliſh general drew his troops to the water-ſide with an intention of embarking with the greateſt part of the army. The enraged Gaſcons fell upon his rear, and at the ſame time opened their gates to the French, who, beſides making themſelves maſters of the place, took many priſoners of diſtinction. St. Severe was more vigorouſly defended by Hugh de Vere, ſon to the earl of Oxford; but was at laſt obliged to capitulate. The French King, not contented with theſe ſucceſſes in Gaſcony, threatened England with an invaſion; and by a ſudden attempt, his troops took and burnt Dover *, but were obliged ſoon after to retire. And in order to make a greater diverſion of the Engliſh force, and engage Edward in dangerous and important wars, he formed a ſecret alliance with John Baliol, King of Scotland; the commencement of that ſtrict union, which, during ſo many ages, was maintained, by mutual intereſts and neceſſities, between the French and Scottiſh nations. John confirmed this alliance by ſtipulating a marriage between his eldeſt ſon and the daughter of Philip de Valois †.

Digreſſion concerning the conſtitution of parliament.

THE expences, attending theſe multiplied wars of Edward, and his preparations for war, joined to alterations, which had inſenſibly taken place in the general ſtate of affairs, obliged him to have frequent recourſe to parliamentary ſupplies, introduced the lower orders of the ſtate into the publick councils, and laid the foundations of great and important changes in the government. Tho' nothing could be worſe calculated for cultivating the arts of peace or maintaining peace itſelf, than the long ſubordination of vaſſalage from the King to the meaneſt gentleman, and the conſequent ſlavery of the lower people, evils inſeparable from the feudal ſyſtem; that ſyſtem was never able to fix the ſtate in a proper warlike poſture, or give it the full exertion of its power for defence, and ſtill leſs for offence, againſt a public enemy. The military tenants, unacquainted with obedience, unexperienced in war, held a rank in the troops by their birth, not by their merits or ſervices; compoſed a very diſorderly and conſequently a very feeble army; and during the few days, which they were obliged by their tenures to remain in the field, were often more formidable to their own prince than to foreign powers, againſt whom they were aſſembled. The ſovereigns came gradually to diſuſe this cumberſome and dangerous machine, ſo apt to recoil upon the hand which held it; and exchanging the military ſervice for pecuniary ſupplies, inliſted forces by means of a contract with particular officers, (ſuch as thoſe the Italians denominate *Condottieri*) whom they diſmiſſed at the end of the war. The barons and knights themſelves often entered into theſe engage-

* Trevet, p. 284. Chron. Dunſt. vol. 2. p. 642. Heming. vol. 1. p. 76. Trevet. p. 285.

† Rymer, vol. 2. p. 680, 681, 695, 697.

ments with the prince, and were enabled to fill their bands, both by the autho- Chap XIII.
rity which they poſſeſſed over their vaſſals and tenants, and from the great num- 1295.
bers of looſe, diſorderly people, whom they found on their eſtates, and who willingly embraced an opportunity of gratifying their appetite for war and rapine. Mean-while, the old Gothic fabric, being neglected, went gradually to decay; and tho' the conqueror had divided all the lands of England into ſixty thouſand knight's fees, the number of theſe was inſenſibly diminiſhed by various artifices; and the king at laſt found, that, by putting the law in execution, he could aſſemble only a very ſmall part of the antient force of the kingdom. It was an uſual expedient for men, who held of the King or a great baron by military tenure, to transfer their lands to the church, and receive them back by another tenure called frankalmoigne, by which they were not bound to perform any ſervice *. A law was made againſt this practice; but the abuſe had probably gone far before it was attended to, and probably was not entirely corrected by the new ſtatute, which, like moſt of the laws of that age, we may conjecture to have been but feebly executed by the magiſtrate againſt the perpetual intereſts of ſo many individuals. The conſtable and mareſchal, when they muſtered the armies, often in a hurry, and for want of better information, received the ſervice of a baron for fewer knight's fees, than were due by him; and one precedent of this kind was held good againſt the King, and became ever after a reaſon for diminiſhing the ſervice †. The rolls of knight's fees were very inaccurately kept; no care was taken to clear them before the armies were ſummoned into the field ‡; it was then too late to think of examining records and charters; and the ſervice was accepted on the footing which the vaſſal himſelf was pleaſed to acknowledge, after all the various ſubdiviſions and conjunctions of property had thrown an obſcurity on the nature and extent of his tenure §. It is eaſy to judge of the intricacies which would attend diſputes of this kind with individuals; when even the number of military fees, belonging to the church, whoſe property was fixed and unalienable, became the ſubject of controverſy; and we find in particular, that when the biſhop of Durham was charged with ſeventy knights fees for the aid levied to marry Henry II's daughter to the duke of Saxony, the prelate acknowledged ten, and diſowned the other ſixty ‖. It is not known in what manner this difference was terminated; but had the queſtion been concerning an armament to defend the kingdom, the biſhop's ſervice would probably have been received

* Madox's Baronia Anglica, p. 114. † Madox's Baronia Anglica, p. 115.
‡ We hear only of one King, Henry II. who took this pains; and the record, called Liber niger Scaccarii, was the reſult of it. § Madox. Bar. Ang. p. 116. ‖ Madox. Bar. Ang. p. 122. Hiſt. of the Exch. p. 404.

without

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without oppoſition for ten fees, and this rate muſt alſo have fixed all his future payments. Pecuniary ſcutages, therefore, diminiſhed as much as military ſervices*: Other methods of filling the exchequer as well as the armies muſt be deviſed: New ſituations produced new laws and inſtitutions: And the great alterations in the finances and military power of the crown, as well as in private property, were the ſource of equal innovations in every part of the legiſlature or civil government.

THE exorbitant eſtates, conferred by the Norman, on his barons and chieftains, remained not long entire and unimpaired. The landed property was gradually ſhared out into more hands; and thoſe immenſe baronies were divided, either by proviſions to younger children, by partitions among co heirs, by ſale, or by eſcheating to the King, who gratified a great number of his courtiers, by dealing them out among them in ſmaller portions. Such moderate eſtates, as they required oeconomy, and confined the proprietors to their own houſes, were better calculated for duration; and the order of knights and ſmall barons grew daily more numerous, and began to form a very reſpectable rank or order in the ſtate. As they were all of them immediate vaſſals of the crown by military tenure, they were, from the principles of the feudal law, equally intitled with the greateſt barons, to a ſeat in the national or general councils; and this right, tho' regarded as a privilege, which the owners would not entirely relinquiſh, was alſo conſidered as a burthen, which they deſired to be ſubjected to only on extraordinary occaſions. Hence it was provided in the charter of King John, that, while the great barons were ſummoned to the general council by a particular writ, the ſmall barons, under which appellation the knights were alſo comprehended, ſhould only be called by a general ſummons of the ſheriff. The diſtinction between great and ſmall barons, like that between rich and poor, was not exactly defined; but, agreeable to the inaccurate genius of that age and to the ſimplicity of antient government, was left very much to be determined by the diſcretion of the King and his miniſters. It was uſual for the prince to require, by a particular ſummons, the attendance of a baron in one parliament, and to neglect him in future parliaments †; nor was this uncertainty ever complained of as an injury. He attended when required: He was better pleaſed on other occaſions to be exempted from the burthen: And as he was acknowledged to be of the

* In order to pay the ſum of 100,000 marks, as King Richard's ranſom, twenty ſhillings were impoſed on each Knight's fee. Had the fees remained on the original footing, as ſettled by the conqueror, this ſcutage would have amounted to 90,000 marks, which was nearly the ſum required: But we find, that many other grievous taxes were impoſed to complete it: A certain proof, that many frauds and abuſes had prevailed in the roll of knights fees.

† Chancellor Weſt. enquiry into the manner of creating peers, p. 43, 46, 47, 55.

fame

ſame order with the greateſt barons, it gave them no ſurprize to ſee him take his ſeat in the great councils, whether he appeared of his own accord, or by a particular ſummons from the King. The barons from *Writ*, therefore, began gradually to intermix themſelves with the antient barons from *Tenure*; and as Cambden tells us *, from an antient manuſcript, now loſt, that after the battle of Eveſham, a poſitive law was enacted, prohibiting every baron to appear in parliament, who was not invited thither by a particular ſummons, the whole baronage of England held thenceforward their ſeat by writ, and this important privilege of their tenures was in effect aboliſhed. Only where writs had been regularly continued for ſome time in one great family, the omiſſion of them would have been regarded as an affront, and even as an injury. Chap. XIII. 1295.

A like alteration gradually took place in the order of earls, who were the higheſt rank of barons. The dignity of an earl, like that of a baron, was antiently territorial and official †: He exerciſed juriſdiction within his county: He levied the third of the fines to his own profit: He was at once a civil and a military magiſtrate: And tho' his authority, from the firſt conqueſt of the Normans, was hereditary in England, the title was ſo much connected with the office, that where the King intended to create a new earl, he had no other expedient than to erect a certain territory into a county or earldom, and to beſtow it upon the perſon and his family ‡. But as the ſheriffs, who were the vice-gerents of the earls, were named by the King, and removeable at pleaſure, he found them more dependant upon him; and endeavoured to throw the whole authority and juriſdiction of the office into their hands. This magiſtrate was at the head of the finances, and levied all the King's rents within his county: He aſſeſſed at pleaſure the talliages on the inhabitants in royal demeſne: He had uſually committed to him the management of wards and often of eſcheats: He preſided in the lower courts of judicature: And thus, tho' inferior to the earl in dignity, he was ſoon conſidered, by this union of the judicial and fiſcal powers, and by the confidence repoſed in him by the King, as much ſuperior to him in authority, and undermined his influence within his own juriſdiction §. It became uſual, in creating an earl, to give him a fixt ſallary, commonly about twenty pounds a year, in lieu of his third of the fines: The diminution of his power kept pace with the retrenchment of his profit: And the dignity of earl, inſtead of territorial and offi-

* In Britann. p. 122. † Spellm. Gloſſ. in voce, *Comis*.

‡ Eſſays on Britiſh Antiquities. This practice, however, ſeems to have been more familiar in Scotland and the kingdoms on the continent, than in England.

§ There are inſtances of princes of the blood who accepted of the office of ſheriff. Spellman in voce *Vicecomis*.

cial,

Chap. XIII. 1295. cial, dwindled into perſonal and titular. Such were the mighty alterations, which had already fully taken place, or were gradually advancing, in the houſe of peers; that is, in the parliament: For there was antiently no other houſe.

But tho' the introduction of barons by writ, and of titular earls, had given ſome encreaſe to the royal authority; there were other cauſes, which counterbalanced thoſe innovations, and tended in a higher degree to diminiſh the power of the ſovereign. The diſuſe, into which the feudal militia had in a great meaſure fallen, made the barons almoſt entirely forget their dependence on the crown: By the diminution of knights fees, the King had no reaſonable compenſation when he levied ſcutages and exchanged their ſervices for money: The alienations of the crown lands had reduced him to poverty: And above all, the conceſſion of the great charter had ſet bounds to royal authority, and had rendered it more difficult and dangerous for the prince to exert any extraordinary acts of arbitrary power. In this ſituation it was natural for the King to court the friendſhip of the leſſer barons and knights, whoſe influence was nowiſe dangerous to him, and who, being expoſed to oppreſſion from their powerful neighbours, ſought a legal protection under the ſhadow of the throne. He deſired, therefore, to have their preſence in parliament, where they ſerved to controul the turbulent reſolutions of the great. To exact a regular attendance of the whole body would have produced confuſion, and would have impoſed too heavy a burthen upon them. To ſummon only a few by writ, tho' it was practiſed and had a good effect, ſerved not entirely the King's purpoſe; becauſe theſe members had no farther authority than attended their perſonal character, and were eclipſed by the appearance of the more powerful nobility. He therefore diſpenſed with the attendance of moſt of the leſſer barons in parliament; and in return for this indulgence, (for ſuch it was then eſteemed) required them to chooſe in each county a certain number of their own body, whoſe charges they bore, and who, having gained the confidence, carried with them, of courſe, the authority of the whole order. This expedient had been practiſed at different times, in the reign of Henry III *. and regularly, during that of the preſent King. The numbers ſent up by each county varied at the will of the prince †: They took their ſeat among the other peers; becauſe by their tenure they belonged to that order ‡: The introducing them into that houſe ſcarce appeared to be an innovation: And tho' it was eaſily in the King's power, by varying their number, to command the reſolutions of the whole parliament, this circumſtance was little attended to, in an age, when force was

*. Rot. Clauſ. 38. Hen. III. m. 7. and 12 d: As alſo Rot. Clauſ. 42. Hen. III. m. 1. d. Prynne's pref. to Cotton's Abridgement.

† Brady's anſwer to Petyt, from the records, p. 151.

‡ Brady's Treatiſe of Boroughs, App. Nº. 13.

more

more prevalent than laws, and when a reſolution, tho' taken by the majority of a legal aſſembly, could not be executed, if it oppoſed the will of the more powerful minority. Chap. XIII. 1295.

But there were other important conſequences, which followed the diminution and diſuſe of the antient feudal militia. The King's expences, in levying and maintaining a military force for every enterprize, was encreaſed beyond what his narrow revenues were able to bear: As the ſcutages of his military tenants, which were accepted in lieu of their perſonal ſervice, had fallen to nothing; there were no means of ſupply but from voluntary aids granted him by the parliament and church: Or from the talliages which he might levy upon the towns and inhabitants in royal demeſne. In the former year, Edward had been obliged to exact no leſs than the ſixth of all moveables from the laity, and the half of all eccleſiaſtical benefices * for his expedition into Poictou, and the ſuppreſſion of the Welſh: And this diſtreſsful ſituation, which was likely often to return upon him and his ſucceſſors, made him think of a new device, and ſummon up the repreſentatives of all the boroughs to parliament. This period, which is the twenty third of his reign, ſeems to be the real and true epoch of the houſe of commons; and the firſt faint dawnings of popular government in England. For the repreſentatives of the counties were only deputies from the ſmaller barons and leſſer nobility: And the former precedent of repreſentatives from the boroughs, who were ſummoned by the earl of Leiceſter, was regarded as the act of a violent uſurpation, had been diſcontinued in all the ſubſequent parliaments, and if that meaſure had not become requiſite on other accounts, this example was more likely to blaſt than give credit to it.

During the courſe of two centuries, the kings of England, in imitation of other European princes, had embraced the ſalutary policy of encouraging and protecting the lower and more induſtrious orders of the ſtate; whom they found well diſpoſed to obey the laws and civil magiſtrate, and whoſe ingenuity and labour furniſhed commodities, requiſite for the ornament of peace and ſupport of war. Tho' the inhabitants of the country were ſtill left at the diſpoſal of their imperious lords; many attempts were made to give more ſecurity and liberty to citizens, and make them enjoy unmoleſted the fruits of their induſtry. Boroughs were erected by royal patent within the demeſne lands: Liberty of trade was conferred upon them: The inhabitants were allowed to farm at a fixt rent their own tolls and cuſtoms †: They were permitted to elect their own magiſtrates: Juſtice was diſtributed to them by theſe magiſtrates, without obliging

* Brady of boroughs, p. 31. from the records. Heming. vol. 1. p. 52. M. Weſt. p. 422. Ryley, p. 462. † Madox. Firma Burgi, p. 21.

Chap. XIII. 1295. them to attend the ſheriff or county courts: And ſome ſhadow of independance was gradually acquired to the people, by means of theſe equitable privileges*. The King, however, retained ſtill the power of levying talliages or taxes upon them at pleaſure †; and tho' their poverty and the cuſtoms of the age made theſe demands neither frequent nor exorbitant, ſuch unlimited authority in the ſovereign was a ſenſible check upon commerce, and was utterly incompatible with all the principles of a free government. But when the multiplied neceſſities of the crown produced a greater demand for ſupply, the King, whoſe prerogative entitled him to exact it, found, that he had not power ſufficient to enforce his edicts, and that it was requiſite, before he impoſed taxes, to ſmooth the way for his demand, and to obtain the previous conſent of the boroughs, by ſollicitation, remonſtrances, and authority. The inconvenience of tranſacting this buſineſs with every particular borough was ſoon felt; and Edward became ſenſible, that the moſt expeditious way of obtaining ſupply, was to aſſemble together the deputies of all the boroughs, to lay before them the neceſſities of the ſtate, to diſcuſs the matter in their preſence, and to require their conſent to the demands of their ſovereign. For this reaſon, he iſſued writs to the ſheriffs, enjoining them to ſend to parliament, along with two knights of the ſhire, two deputies from each borough within their county ‡, and theſe provided with ſufficient powers from their community, to conſent, in their name, to what he and his council ſhould require of them. *As it is a moſt equitable rule*, ſays he, in his preamble to this writ, *that what concerns all ſhould be approved of by all; and common dangers be repelled by united efforts* §; a noble principle, which may ſeem to indicate a liberal mind in the King, and which laid the foundations of a free and an equitable government.

After the election of theſe deputies, by the aldermen and common council, they gave ſureties for their attendance before the King and parliament: Their charges were borne by the borough, which ſent them: And they had ſo little idea of appearing as legiſlators, a character extremely wide of their low rank and con-

* Brady of boroughs, Appen. N°. 1, 2, 3.

† The King had not only the power of talliating the inhabitants within his own demeſnes, but that of granting to particular barons the power of talliating the inhabitants within theirs. See Brady's anſwer to Petyt, p. 118. Madox hiſt. of the Exchequer, p. 518.

‡ Writs were iſſued to about 120 cities and boroughs.

§ Brady of boroughs, p. 25, 33, from the records. The writs of the parliaments immediately preceding, remain: and the return of knights is there required, but not a word of the boroughs: A demonſtration, that this was the very year in which they commenced. In the year immediately preceding, the taxes were levied by a ſeeming or forced conſent of each particular borough, beginning with London. Id. p. 31, 32, 33, from the records. Alſo his anſwer to Petyt, p. 40, 41.

dition *, that no intelligence could be more disagreeable to any borough, than to find that they must elect, or to any individual than that he was elected, to a trust from which no profit or honour could possibly be expected †. They composed not, properly speaking, any essential part of the parliament: They met apart both from the barons and knights ‡, who disdained to mix with such mean personages: After they had given their consent to the taxes, required of them, their business being now finished, they separated, even tho' the parliament still continued to sit, and to canvass the national business §: And as they all consisted of men, who were real burgesses of the place, from which they were sent, the sheriff, when he found no person of abilities or wealth sufficient for this office, often used the freedom of omitting particular boroughs in his returns; and as he received the thanks of the people for this indulgence, he gave no offence to the court, who levied, without distinction, the tax agreed to by the majority of deputies ‖. Chap. XIII. 1295.

The union, however, of the representatives from all the boroughs gave gradually more weight to the whole order; and it became customary for them, in return for the supplies, which they granted, to prefer petitions to the crown for the redress of any particular grievances, of which they found reason to complain. The more the King's demands multiplied, the faster these petitions encreased both in number and authority; and the prince found it difficult to refuse men, whose grants had supported his throne, and to whose assistance he might so soon be again obliged to have recourse. The commons however were still much below the rank of legislators ⸸. Their petitions, tho' they received a verbal

* Reliquiæ Spellm. p. 64. Prynne's pref. to Cotton's Abridg. and the Abridg. passim.

† Brady of boroughs, p. 59, 60.

‡ Brady of boroughs, p. 37, 38, from the records, and append. p. 19. Also his append. to his anf. to Petyt. Record. And his gloss. in Verb. Communitas Regn. p. 33.

§ Ryley's Placit. Parl. p. 241, 242, &c. Cotton's Abridg. p. 14.

‖ Brady of boroughs, p. 52, from the records. There is even an instance in the reign of Edward III. when the King named all the deputies. Id. anf. to Petyt, p. 161. If he fairly named the most considerable and creditable burgesses, little exception would be taken; as their business was not to check the King, but to reason with him and consent to his demands. It was not till the reign of Richard II. that the sheriffs were deprived of the power of omitting boroughs at pleasure. See Stat. at large, 5th Rich. II. cap. 4.

⸸ In the reign of Henry IV. the King told the commons, that they were only petitioners, that is, they had not any proper legislative authority. Cotton's abridg. p. 392. All judgment, says the Record, appertains to the King and the lords. The commons were so little accustomed to transact public business, that they had no speaker, till after the parliament 6th Edw. III. See Prynne's preface to Cotton's abridg. Not till the first of Richard II. in the opinion of most antiquarians. The commons

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bal aſſent from the throne, were only the rudiments of laws: The judges were afterwards entruſted with the power of putting them into form: And the King, by adding to them the ſanction of his authority, and that ſometimes without the aſſent of the nobles, beſtowed validity upon them. The age did not refine ſo much as to perceive the danger of theſe irregularities. No man was diſpleaſed, that the ſovereign, at the deſire of any claſs of men, ſhould iſſue an order, which only concerned that claſs; and his predeceſſors were ſo near poſſeſſing the whole legiſlative power, that he gave no diſguſt by aſſuming it in this ſeemingly inoffenſive manner. But time and farther experience gradually opened mens eyes and corrected ſuch abuſes. It was found, that no laws could be fixed for one order of men without affecting the whole; and that the force and efficacy of laws depended entirely on the terms employed in wording them. The houſe of peers, therefore, the moſt powerful order of the ſtate, reaſonably expected, that their aſſent ſhould be expreſsly granted to all public ordinances *: And in the reign of Henry V. the commons required that no laws ſhould be framed merely upon their petitions, unleſs the ſtatutes were worded by themſelves, and had paſſed their houſe in the form of a bill †.

But as the ſame cauſes, which produced a partition of property, continued ſtill to operate; the number of knights and leſſer barons, or what the Engliſh call the gentry, perpetually encreaſed, and ſunk into a rank ſtill more inferior to the great nobility. The equality of tenure was loſt in the great inferiority of power and property; and the houſe of repreſentatives from the counties was gradually ſeparated from that of the peers, and formed a diſtinct order in the ſtate ‡. The growth of commerce, meanwhile, augmented the private wealth and conſideration of the burgeſſes; the frequent demands of the crown encreaſed their public importance; and as they reſembled the knights of ſhires in one material circumſtance, that of repreſenting particular bodies of men; it no longer appeared unſuitable to unite them together in the ſame houſe, and to confound their

were very unwilling to meddle in any ſtate affairs, and commonly either referred themſelves to the lords, or deſired a ſelect committee of that houſe to aſſiſt them, as appears from Cotton. 5 E. III. n. 5. 15 E. III. n. 17; 21 E. III. n. 5; 47 E. III. n. 5; 50 E. III. n. 10; 51 E. III. n. 18; 1 R. II. n. 12; 2 R. II. n. 12; 5 R. II. n. 14, 2 parl. 6 R. II. n. 14; parl. 2. 6 R. II. n. 8, &c.

* In theſe inſtances found in Cotton's abridgement, where the King appears to anſwer of himſelf the petitions of the commons, he probably exerted no more than that power, which was long inherent in the crown, of regulating leſſer matters by his edicts or proclamations. But no durable or general ſtatute ſeems ever to have been made by the King from the petition of the commons alone, without the aſſent of the peers.

† Brady's anſwer to Petyt, p. 85, from the records.

‡ Cotton's abridgement, p. 13.

rights

rights and privileges *. Thus the third eſtate, that of the commons, reached at laſt its preſent form; and as the country gentlemen made thenceforwards no ſcruple of appearing as deputies of the boroughs, the diſtinction between the members was entirely loſt, and the lower houſe acquired thence a great acceſſion of weight and importance in the kingdom. Still, however, the office of this eſtate was very different from that which it has ſince exerciſed with ſo much advantage to the public. Inſtead of checking and controuling the authority of the King, they were naturally induced to adhere to him, as the great fountain of law and juſtice, and to ſupport him againſt the exorbitant power of the ariſtocracy, which was at once the ſource of oppreſſion to themſelves, and diſturbed him in the execution of the laws. The King, in his turn, gave countenance to an order of men, ſo uſeful and ſo little dangerous: The peers alſo were obliged to pay them ſome conſideration: And by this means, the third eſtate, formerly ſo abject in England, as well as in all other European nations, roſe by ſlow degrees to their preſent im- Chap. XIII. 1295.

* It was very agreeable to the maxims of all the feudal governments, that every order of the ſtate ſhould give their conſent to the acts which more immediately concerned them; and as the notion of a political ſyſtem was not then ſo well underſtood, the other orders of the ſtate were often not conſulted on theſe occaſions. In this reign, even the merchants, tho' no public body, granted the King impoſitions on merchandize, becauſe the firſt payments came out of their pockets. They did the ſame in the reign of Edward III. but the commons had then obſerved, that the people paid theſe duties, tho' the merchants advanced them; and they therefore remonſtrated againſt this practice. Cotton's abridg. p. 39. The taxes impoſed by the knights on the counties were always lighter than thoſe which the burgeſſes laid on the boroughs, a preſumption, that in voting theſe taxes the knights and burgeſſes did not form the ſame houſe. See chancellor Weſt's enquiry into the manner of creating peers, p. 8. But there are ſo many proofs, that theſe two orders of repreſentatives were long ſeparate, that it is needleſs to inſiſt on them. Mr. Carte, who had carefully conſulted the rolls of parliament, affirms, that they never appear to have been united till the 16th of Edward III. See Hiſt. vol. 2. p. 451. But 'tis certain that this union was not even then final: In 1372, the burgeſſes acted by themſelves, and voted a tax after the knights were diſmiſſed. See Tyrrel Hiſt. vol. 3. p. 734, from Rot. Clauſ. 46 Edw. III. n. 9. In 1376, they were the knights alone, who paſſed a vote for the removal of Alice Pierce from the King's perſon, if we may credit Walſingham, p. 189. There is an inſtance of a like kind in the reign of Richard II. Cotton, p. 193. The different taxes voted by theſe two branches of the lower houſe, kept them naturally ſeparate: But as their petitions had moſtly the ſame object, viz. the redreſs of grievances, and the ſupport of law and juſtice both againſt the crown and the barons, this cauſe as naturally united them, and was the reaſon why they at laſt joined in one houſe for the diſpatch of buſineſs. The barons had few petitions: There privileges were of more antient date: Grievances ſeldom affected them: They were themſelves the chief oppreſſors. In 1333, the knights by themſelves concurred with the biſhops and barons in adviſing the King to ſtay his journey into Ireland. Here was a petition which regarded a matter of ſtate, and was ſuppoſed to be above the capacity of the burgeſſes. The knights, therefore, acted a part in this petition. See Cotton. abridg. p. 13. Chief baron Gilbert thinks, that the reaſon why taxes began always with the commons or burgeſſes was, that they were limited by the inſtructions of their boroughs. See hiſt. of the Exchequer, p. 37.

portance;

Chap. XIII. 1295. portance; and in their progreſs made arts and commerce, the neceſſary attendants of liberty and equality, flouriſh in the kingdom *.

WHAT ſufficiently proves, that the commencement of the houſe of burgeſſes, who were the true commons, was not an affair of chance, but aroſe from the neceſſities of the preſent ſituation, is, that Edward, at the very ſame time, ſummoned deputies from the inferior clergy, the firſt that ever met in England †, and he required them to impoſe taxes on their conſtituents for the public ſervice. Formerly the eccleſiaſtical benefices bore no part of the burthens of the ſtate: The Pope had indeed of late often levied impoſitions upon them: He had ſometimes granted this power to the ſovereign ‡: Edward himſelf had in the former year exacted by menaces and violence, a very grievous tax of half their revenue: But as this precedent was dangerous, and could not eaſily be repeated in a government, which required the conſent of the ſubject to any extraordinary reſolution; Edward found it more prudent to aſſemble a lower houſe of convocation, to lay before them his neceſſities, and to aſk ſome ſupply. But on this occaſion he met

* The chief argument from antient authority, for the opinion that the repreſentatives of boroughs preceded the forty-ninth of Henry III. is the famous petition of the borough of St. Albans, firſt taken notice of by Selden, and then by Petyt, Brady, Tyrrel, and others. In this petition, preſented to the parliament in the reign of Edward II. the town of St. Albans aſſerts, that tho' they held *in capite* of the crown, and owed only, for all other ſervices, their attendance in parliament, yet the ſheriff had omitted them in his writs; whereas both in the reign of the King's father, and all his predeceſſors, they had always ſent members. Now, ſay the defenders of this opinion, if the commencement of the houſe of commons was in Henry III's reign, this expreſſion could not have been uſed. But Madox, in his Hiſtory of the Exchequer, p. 522, 523, 524, has endeavoured to deſtroy the authority of this petition for the purpoſe alledged. He aſſerts, firſt, that there was no ſuch tenure in England as that of holding by attendance in parliament, inſtead of all other ſervice. Secondly, That the borough of St. Albans never held of the crown at all, but was always demeſne land of the abbot. It is no wonder, therefore, that a petition which advances two falſhoods, ſhould contain one hiſtorical miſtake, which indeed amounts only to an inaccurate expreſſion. Accordingly St. Albans continued ſtill to belong to the abbot. It never held of the crown, till after the diſſolution of the monaſteries. But the aſſurance of theſe petitioners is remarkable. They wanted to ſhake off the authority of their abbot, and to hold of the King; but were unwilling to pay any ſervices even to the crown: Upon which they framed this petition, which latter writers have made the foundation of ſo many inferences and concluſions. From the tenor of the petition it appears, that there was a cloſe connexion between holding of the crown, and being repreſented in parliament: The latter had ſcarce ever place without the former: Yet we learn from Tyrrel's Append. vol. 4. that there were ſome inſtances to the contrary. It is not improbable, that Edward followed the roll of the earl of Mountfort, who had ſummoned, without diſtinction, all the conſiderable boroughs of the kingdom; among whom there might be ſome few who did hold of the crown. Edward alſo found it neceſſary to impoſe taxes on all the boroughs of the kingdom without diſtinction. This was a good expedient for augmenting his revenue.

† Archbp. Wake's State of the Church of England, p. 235. Brady of boroughs, p. 34. Gilbert's Hiſt. of the Exch. p. 46. ‡ Ann. Waverl. p. 227, 228. T. Wykes, p. 99, 120.

with

with difficulties. Whether that the clergy thought themſelves the moſt independant body of men in the kingdom, or were diſguſted by the former exorbitant impoſitions, they abſolutely refuſed their aſſent to the King's demand of a fifth of their moveables; and it was not till a ſecond meeting, that on their perſiſting in this refuſal, he was willing to accept of a tenth. The barons and knights granted him, without heſitation, an eleventh; the burgeſſes, a ſeventh. But the clergy ſtill ſcrupled to meet on the King's writ; leſt by ſuch obedience they ſhould ſeem to acknowledge the authority of the temporal power: And this compromiſe was at laſt fallen upon, that the King ſhould iſſue his writ to the archbiſhop; and that the archbiſhop ſhould, in conſequence of it, ſummon the clergy, who, as they then appeared to obey their ſpiritual ſuperior, no longer heſitated to meet in convocation. This expedient, however, was the cauſe, why the eccleſiaſtics met in two houſes of convocation, under their ſeveral archbiſhops, and formed not one eſtate, like thoſe in other countries of Europe, as was at firſt the King's intention *. We now return to the courſe of our narration. Chap. XIII. 1295.

EDWARD, conſcious of the reaſons of diſguſt which he had given the King of Scots, informed of the diſpoſitions of that people, and expecting the moſt violent effects of their reſentment, which he knew he had ſo well merited; employed the ſupplies, granted him by his people, in making preparations againſt the hoſtilities of his northern neighbour. When in this ſituation, he received intelligence of the treaty ſecretly concluded between John and Philip; and tho' uneaſy at this concurrence of a French and Scots war, he reſolved not to encourage his enemies by a puſillanimous behaviour, or by yielding to their united efforts. He ſummoned John to perform the duty of a vaſſal, and to ſend him a ſupply of forces againſt an invaſion from France, with which he was then threatened: He next required, that the fortreſſes of Berwic, Jedborough, and Roxborough, ſhould be put into his hands as a ſecurity during the war †: He cited John to appear in an Engliſh parliament, held at Newcaſtle: And when none of theſe ſucceſſive demands were complied with, he marched northward with numerous forces, 30,000 foot, and 4000 horſe, to chaſtiſe his rebellious vaſſal. The Scottiſh nation, who had little reliance on the vigour and ſpirit of their prince, aſſigned him a council of twelve noblemen, in whoſe hands the ſovereignty was really lodged ‡, and who put the country in the beſt poſture, of which the preſent diſtractions would admit. A great army, compoſed of 40,000 infantry, tho' ſupported only by 500 cavalry, advanced to the frontiers; and after a fruitleſs attempt 1296.

* Gilbert's Hiſt. of Exchеq. p. 51, 54. Heming, vol. 1. p. 84. Trivet. p. 286.

† Rymer, vol. 2. p. 692. Walſin. p. 64. Heming. vol. 1. p. 75.

‡ Heming. vol. 1. p. 75.

upon

Chap. XIII. 1296. upon Carliſle, marched eaſtwards to defend thoſe provinces, which Edward was preparing to attack. But ſome of the moſt conſiderable of the Scottiſh nobles, Robert Bruce, the father and ſon, the earls of March and Angus, prognoſticating the ruin of their country, from the concurrence of inteſtine diviſions and a foreign invaſion, endeavoured here to ingratiate themſelves with Edward, by an early ſubmiſſion; and the King, encouraged by this favourable incident, led his army into the enemies' country, and croſſed the Tweed without oppoſition at 28th March. Coldſtream. He then received a meſſage from John, by which that prince, having now procured, for himſelf and his nation, Pope Celeſtine's diſpenſation from former oaths, renounced the homage which had been done to England, and ſet Edward at defiance *. This bravado was but ill ſupported by the military operations of the Scots. Berwic was already taken by aſſault: Sir William Douglas, the governor, was made priſoner: Above 7000 of the garriſon were put to the ſword †: And Edward, elated by this great advantage, diſpatched earl Warrenne with 10,000 men, to lay ſiege to Dunbar, which was defended by the flower of the Scottiſh nobility.

THE Scots, ſenſible of the importance of this place, which, if taken, laid their whole country open to the enemy, advanced with their main army, under the command of the earls of Buchan, Lenox, and Mar, in order to relieve it. Warrenne, not diſmayed by the great ſuperiority of their number, marched out 27th April. to give them battle. He attacked them with great vigour; and as undiſciplined troops, the more numerous they are, are but the more expoſed to a panic upon any alarm, he ſoon threw them into confuſion, and chaced them off the field with great ſlaughter ‡. The loſs of the Scots is ſaid to have amounted to 20,000 men: The caſtle of Dunbar, with all its garriſon, ſurrendered next day to Edward, who, after the battle, had brought up the main body of the Engliſh, and who now proceeded with an aſſured confidence of ſucceſs. The caſtle of Roxborough was yielded by James, ſteward of Scotland §; and that nobleman, from whom is deſcended the royal family of Stuart, was again obliged to ſwear fealty to Edward. After a feeble reſiſtance, the caſtles of Edinburgh and Stirling opened their gates to the enemy. All the ſouthern parts were inſtantly ſubdued by the Engliſh; and to enable them the better to reduce the northern, whoſe inacceſſible ſituation ſeemed to give them ſome more ſecurity, Edward received a ſtrong reinforcement of Welſh and Iriſh, who being accuſtomed to a deſultory kind of war, were the beſt qualified to purſue the fugitive Scots into

* Rymer, vol. 2. p. 607. Walſin. p. 66. Heming. vol. 1. p. 92. † Walſin. p. 66. Heming. vol. 1. 89. Trivet, p. 289. ‡ Walſin. p. 67. Heming. vol. 1. p. 96. Trivet, p. 291. Chron. Dunſt. vol. 2. p. 650. § Heming. vol. 1. p. 97. Trivet, p. 292.

the

the receſſes of their lakes and mountains *. But the ſpirit of the nation was already broke by their misfortunes; and the feeble and timid Baliol, diſcontented with his own ſubjects, and over-awed by the Engliſh, abandoned all thoſe reſources, which his people might yet have poſſeſſed in this extremity. He haſtened to make his ſubmiſſion to Edward; he expreſſed the deepeſt penitence for his diſloyalty to his liege lord; and he made a ſolemn and irrevocable reſignation of his crown into the hands of that monarch †. Edward marched northwards to Aberdeen and Elgin, without meeting an enemy: No Scotſman approached him but to pay him ſubmiſſion and do him homage ‡: Even the turbulent highlanders, ever refractory to their own princes, and averſe to the reſtraint of laws, endeavoured to prevent the devaſtation of their country, by giving him early proofs of obedience: And Edward, having brought the whole kingdom to a ſeeming ſtate of tranquility, returned to the ſouth with his army. There was a ſtone, to which the popular ſuperſtition of the Scots paid the higheſt veneration: All their Kings were ſeated on it when they received the rite of inauguration: An antient tradition aſſured them, that wherever this ſtone was placed, their nation ſhould always govern: And it was carefully preſerved at Scone, as the true palladium of their monarchy, and their ultimate reſource amidſt all their misfortunes. Edward got poſſeſſion of it; and carried it with him to England §. He gave orders to deſtroy all the records, and all thoſe monuments of antiquity, which might preſerve the memory of the independance of the kingdom, and refute the Engliſh claims of ſuperiority. The Scots pretend, that he alſo deſtroyed all the annals preſerved in their convents: But it is not probable, that a nation, ſo rude and unpoliſhed, would be poſſeſſed of any hiſtory, which deſerves much to be regreted. The great ſeal of Baliol was broke; and that prince himſelf was carried a priſoner to London, and committed to cuſtody in the Tower. Two years afterwards he was reſtored to his liberty, and ſubmitted to a voluntary baniſhment in France, where, without making any farther attempts for the recovery of his royalty, he died in a private ſtation. Earl Warrenne was left governor of Scotland ‖: Engliſhmen were entruſted with all the chief offices: And Edward, flattering himſelf that he had attained the end of all his wiſhes, and that the long train of fraud and violence which he had practiſed againſt Scotland, had terminated in the final reduction of that kingdom, returned with his victorious army into England.

Chap. XIII. 1296. Scotland ſubdued.

An attempt, which he made about the ſame time, for the recovery of Guienne, was not equally ſucceſsful. He ſent thither an army of 7000 men, under the

War with France.

* Heming. vol. 1. p. 98. Chron. Dunſt. vol. 2. p. 650. † Rymer, vol. 2. p. 718. Walſing. p. 67. Heming. vol. 1. p. 99. Trivet, p. 292. ‡ Heming. vol. 1. p. 100, 101. § Walſing. p. 68. Trivet, p. 299. ‖ Rymer, vol. 2. p. 726. Trivet, p. 295.

Chap. XIII. 1296.

command of his brother the earl of Lancaſter; and that prince gained at firſt ſome advantages over the French at Bourdeaux: But he was ſoon after ſeized with a diſtemper, of which he died at Bayonne. The command devolved on the earl of Lincoln, who was not able to perform any thing conſiderable during the reſt of the campaign *.

But the active and ambitious ſpirit of Edward, while his conqueſts brought ſuch conſiderable acceſſions to the Engliſh monarchy, could never be ſatisfied, ſo long as Guienne, the antient patrimony of his family, was wreſted from him by the diſhoneſt artifices of the French monarch. Finding, that the diſtance of that province rendered all his efforts againſt it feeble and uncertain, he propoſed to attack France in a quarter where ſhe appeared more vulnerable; and with this view, he married his daughter Elizabeth to John earl of Holland, and at the ſame time contracted an alliance with Guy earl of Flanders, ſtipulated to pay him the ſum of 75,000 l. and projected an invaſion with their united forces upon Philip, their common enemy †. He hoped, that, when he himſelf at the head of the Engliſh, Flemiſh, and Dutch armies, re-inforced by his German allies, to whom he had promiſed or remitted very conſiderable ſums, ſhould enter the frontiers of France, and threaten the capital itſelf with imminent danger, Philip would at laſt be obliged to relinquiſh his acquiſitions, and purchaſe peace by the reſtitution of Guienne. But in order to ſet this great machine in movement, conſiderable ſupplies were requiſite from the parliament; and Edward, without much difficulty, obtained from the barons and knights a new grant of a twelfth of all their moveables, and from the boroughs, that of an eighth. The great and almoſt unlimited power of the King over the latter, enabled him to throw the heavieſt part of the burthen on them; and the prejudices, which he ſeems always to have entertained againſt the church, on account of their former zeal for the Mountfort faction, made him reſolve to load them with ſtill more conſiderable impoſitions, and he required of them a fifth of their moveables. But he here met with an oppoſition, which for ſome time diſconcerted all his meaſures, and engaged him in enterprizes, which were ſomewhat dangerous to *him*, and would have proved ruinous to any of his predeceſſors.

Diſſentions with the clergy.

Boniface VIII. who had ſucceeded Celeſtine in the papal throne, was a man of the moſt lofty and enterprizing ſpirit; and tho' he wanted that auſterity of manners, which commonly accompanies ambition in men of his order, he was determined to carry the authority of the tiara, and his dominion over the temporal power, to as great a height as it had ever attained in any former period. Senſible that

* Heming. vol. 1. p. 72, 73, 74. † Rymer, vol. 2. p. 761. Walſing. p. 68.

his

his immediate predeceſſors, by oppreſſing the church in every province of Chriſtendom, had extremely alienated the affections of the clergy, and had afforded the civil magiſtrate a pretence for laying like impoſitions on eccleſiaſtical revenues, he attempted to reſume the former ſtation of the ſovereign pontiff, and to eſtabliſh himſelf as the common protector of the ſpiritual order againſt all invaders. For this purpoſe, he iſſued very early in his pontificate a general bull, probihiting all princes to levy without his conſent any taxes from the clergy, and all clergymen to ſubmit to ſuch impoſitions; and threatening both of them with the penalties of excommunication in caſe of diſobedience *. This important edict is ſaid to have been procured by the ſolicitation of Robert de Winchelſey, archbiſhop of Canterbury, who intended to employ it as a rampart againſt the violent extortions which the church had felt from Edward, and the ſtill greater, which that prince's multiplied neceſſities gave them reaſon to apprehend. When a demand, therefore, was made on the clergy of a fifth of their moveables, a tax which was probably much more grievous than a fifth of their revenue, as their lands were moſtly ſtocked with their cattle, and cultivated by their villains; the clergy took ſhelter under the bull of Pope Boniface, and pleaded conſcience in refuſing compliance †. The King came not immediately to extremities on this repulſe; but after locking up all their granaries and barns, and prohibiting all rent to be paid them, he appointed a new ſynod, to confer upon his demand. The primate, not diſmayed by theſe proofs of Edward's reſolution, here plainly told him, that the clergy owed obedience to two ſovereigns, their ſpiritual and their temporal; but their duty bound them to a much ſtricter attachment to the former than to the latter: They could not comply with his commands (for ſuch, in ſome meaſure, the requeſts of the crown were then deemed) in contradiction to the expreſs prohibition of the ſovereign pontiff ‡. Chap. XIII. 1296.

THE clergy had ſeen, from many proofs, that Edward paid very little regard to thoſe numerous privileges, on which they ſet ſo high a value. He had formerly ſeized, in an arbitrary manner, all the money and plate lodged in the churches and convents, and had applied them to the public ſervice §; and they could not but expect more violent treatment on this ſharp refuſal, grounded on ſuch dangerous principles. Inſtead of applying to the Pope for a relaxation of his bull, he reſolved immediately to employ the power in his hands; and he told the eccleſiaſtics, that, ſince they refuſed to ſupport the civil government, they were unworthy to receive any benefit from it; and he would accordingly put them out 1297.

* Rymer, vol. 2. p. 706. Heming. vol. 1. p. 104. † Heming, vol. 1. p. 107. Trivet, p. 296. Chron. Dunſt. vol. 2. p. 652. ‡ Heming, vol. 1. p. 107. § Walſin. p. 65. Heming. vol. 1. p. 51.

Chap. XIII. 1297. of the protection of the laws. This vigorous meaſure was immediately carried into execution *. Orders were iſſued to the judges to receive no cauſe brought before them by the clergy; to hear and decide all cauſes in which they were defendants: To do every man juſtice againſt them; to do them juſtice againſt no body †. The eccleſiaſtics immediately found themſelves in the moſt miſerable ſituation imaginable. They could not remain in their own houſes or convents for want of ſubſiſtance: If they went abroad, in queſt of a maintenance, they were diſmounted from their horſes, robbed of their cloaths, abuſed by every ruffian, and no redreſs could be obtained by them for the moſt violent injury. The primate himſelf was attacked on the high way, was ſtripped of all his equipage and furniture, and was at laſt reduced to board himſelf with a ſingle ſervant in the houſe of a country clergyman ‡. The King, mean while, remained an indifferent ſpectator of all theſe violences; and without employing his officers in committing any immediate injury on the prieſts, which might have appeared invidious and oppreſſive, he took ample vengeance on them for their obſtinate refuſal of his demands. Tho' the archbiſhop iſſued a general ſentence of excommunication againſt all who attacked the perſons or property of eccleſiaſtics, it was not regarded; while Edward enjoyed the pleaſure of ſeeing the people become the voluntary inſtruments of his juſtice againſt them, and enure themſelves to throw off that reſpect for the ſacred order, by which they had been ſo long over-awed and governed.

The ſpirits of the clergy were at laſt broke by this harſh treatment. Beſides that the whole province of York, which lay neareſt the danger that ſtill hung over them from the Scots, voluntarily from the firſt voted a fifth of their moveables; the biſhops of Saliſbury, Ely, and ſome others, made a compoſition for the ſecular clergy within their ſees; and they agreed, not to pay the fifth, which would have been an act of diſobedience to Boniface's bull, but to depoſite a ſum equivalent in ſome church appointed them; where it was taken by the King's officers §. Many particular convents and clergymen made payment of a like ſum, and received the King's protection ‖. Thoſe who had not ready money, entered into recognizances for the payment. And there was ſcarce found one eccleſiaſtic in the kingdom, who ſeemed willing to ſuffer for the ſake of religious privileges, this new ſpecies of martyrdom, the moſt tedious and languiſhing of any, the moſt mortifying to ſpiritual pride, and not rewarded by that crown of glory, which the church holds up, with ſuch oſtentation, to her devoted adherents.

* Walſin, p. 69. Heming. vol. p. 107. † M. Weſt. p. 429. ‡ Heming. vol. 1. p. 109. § Heming. vol. 1. p. 108, 109. Chron. Dunſt. p. 653. ‖ Chron. Dunſt. vol. 2. p. 654.

Chap. XIII. 1297. Arbitrary measures.

But as the money, granted by parliament, tho' conſiderable, was not ſufficient to ſupply the King's neceſſities, and that levied by compoſitions with the clergy came in ſlowly, Edward was obliged, for the ſake of farther ſupply, to exert his arbitrary power, and to lay an oppreſſive hand on all orders of men in the kingdom. He limited the merchants in the quantity of wool allowed to be exported; and at the ſame time forced them to pay him a duty of forty ſhillings a ſack, which was computed to be much above the fifth of the value *. He ſeized all the reſt of the wool, as well as all the leather of the kingdom, into his hands, and diſpoſed of theſe commodities for his own benefit †: He required the ſheriffs of each county to ſupply him with 2000 quarters of wheat, and as many of oats, which he permitted them to ſeize wherever they could find them: The cattle and other commodities neceſſary for ſupplying his army were laid hold of without the conſent of the owners ‡: And tho' he promiſed afterwards to pay the equivalent of all theſe goods, men ſaw but little probability that a prince, who ſubmitted ſo little to the limitations of law, could ever, amidſt his multiplied neceſſities, be reduced to a ſtrict obſervance of his engagements. He ſhowed at the ſame time an equal diſregard to the principles of the feudal law, by which all the lands of his kingdom were held: In order to encreaſe his army, and enable him to ſupport that great effort, which he propoſed to make againſt France, he required the attendance of every proprietor of land, poſſeſſed of twenty pounds a year, even tho' he held not of the crown, and was not obliged by the tenure of his eſtate to perform any ſuch ſervice §.

These acts of violence and of arbitrary power, notwithſtanding the great perſonal regard generally borne to the King, bred murmurs in every order of men; and it was not long, before ſome of the great nobility, jealous of their own privileges, as well as of national liberty, gave countenance and authority to theſe complaints. Edward aſſembled an army on the ſea-coaſt, which he propoſed to ſend over into Gaſcony, while he himſelf ſhould in perſon make an impreſſion on the ſide of Flanders, and he intended to put theſe forces under the command of Humphrey Bohun, earl of Hereford, the conſtable, and Roger Bigod, earl of Norfolk, the mareſchal of England. But theſe two powerful earls refuſed to execute his orders, and affirmed, that they were only obliged by their office to attend his perſon in the wars. A violent altercation enſued; and the King, in the height of his paſſion, addreſſing himſelf to the conſtable, exclaimed, *Sir earl, by God, you ſhall either go or hang.* *By God, Sir King*, replied Hereford, *I will nei-*

* Walſing. p. 69. Trevet, p. 296. † Heming. vol. 1. p. 52, 110, ‡ Heming. vol. 1. p. 111. § Walſing. p. 69.

ther

Chap. XIII. 1297. *ther go nor hang* *. And he immediately departed, with the mareſchal, and above thirty other conſiderable barons.

UPON this oppoſition, the King laid aſide the project of an expedition againſt Guienne; and aſſembled the army, which he propoſed to tranſport into Flanders. But the two earls, irritated in the conteſt and elated by impunity, pretending that none of their anceſtors had ever ſerved in that country, refuſed to perform the duty of their office in muſtering the army †. The King, now finding it adviſeable to proceed with moderation, inſtead of forfeiting the earls, who poſſeſſed their dignities by hereditary right, appointed Thomas de Berkeley, and Geoffrey de Geyneville, to act in that emergence, as conſtable and mareſchal ‡. He endeavoured to reconcile himſelf with the church; took the primate again into favour §; made him, in conjunction with Reginald de Grey, tutor to the prince, whom he propoſed to appoint guardian of the kingdom during his abſence; and he even aſſembled a great number of the nobility in Weſtminſter-hall, to whom he deigned to make an apology for his paſt conduct. He pleaded the urgent neceſſities of the crown; his extreme want of money; his engagement from honour as well as intereſt to ſupport his allies abroad: And he promiſed, if ever he returned in ſafety, to redreſs all their grievances, to reſtore the execution of the laws, and to make all his ſubjects compenſation for the loſſes, which they had ſuſtained. Mean-while, he begged them to ſuſpend their animoſities; to judge of him by his future behaviour, of which, he hoped, he would be more maſter; to remain faithful to his government, or if he periſhed in the preſent war, to preſerve their allegiance to his ſon and ſucceſſor ‖.

THERE were certainly, from the concurrence of diſcontents among the great and the grievances of the people, materials ſufficient in any other period to have kindled a civil war in England: But the vigour and abilities of Edward kept every one in awe; and his dexterity in ſtopping on the brink of danger, and retracting the meaſures, to which he was puſhed by his violent temper and arbitrary principles, ſaved the nation from ſo great a calamity. The two great earls dared not to break out into open violence; and they proceeded no farther than framing a remonſtrance, which was delivered to the King at Winchelſea, when he was ready to embark for Flanders. They there complained of the violations of the great charter and that of foreſts; the violent ſeizure of corn, leather, cattle, and above all, of wool, a commodity, which they affirmed to be equal in value to half the lands of the kingdom; the arbitrary impoſition of forty ſhil-

* Heming. vol. 1. p. 112. † Rymer, vol. 2. p. 783. Walſin. p. 70. ‡ M. Weſt. p. 430. § Heming. vol. 1. p. 113. ‖ Heming. vol. 1. p. 114. M. Weſt. p. 430.

lings

lings a ſack on the ſmall quantity of wool allowed to be exported by the merchants; and they claimed an immediate redreſs of all theſe grievances *. The King told them, that the greateſt part of his council were now abſent, and without their advice he could not deliberate on meaſures of ſo great conſequence †. Chap. XIII. 1297.

But the conſtable and mareſchal, with the barons of their party, reſolved to take advantage of Edward's abſence, and to obtain an authentic aſſent to their demands. When ſummoned to attend the parliament at London, they came with a great body of cavalry and infantry; and before they would enter the city, required that the gates ſhould be put into their cuſtody ‡. The primate, who ſecretly favoured all their pretenſions, adviſed the council to comply; and thus they became maſters both of the young prince and of the reſolutions of parliament. Their demands, however, were very moderate; and ſuch as ſufficiently juſtify the purity of their intention in all their paſt meaſures: They only required, that the two charters ſhould receive a ſolemn confirmation; that a clauſe ſhould be added to ſecure the nation for ever againſt all impoſitions and taxes without conſent of parliament; and that they themſelves and their adherents, who had refuſed to attend the King into Flanders, ſhould be pardoned for this offence, and ſhould be again received into favour §. The prince of Wales and his council aſſented to theſe terms; and the charters were ſent over to the King in Flanders to be there confirmed by him. Edward felt the utmoſt reluctance to this meaſure, which, he apprehended, would for the future impoſe fetters on his conduct, and ſet limits to his lawleſs authority. Under various pretences, he delayed three days the giving any anſwer to the deputies; and when the pernicious conſequences of his refuſal were repreſented to him, he was at laſt obliged, after many internal ſtruggles, to affix his ſeal to the charters, as alſo to the clauſe that bereaved him of the power, which he had hitherto aſſumed, of impoſing arbitrary taxes upon the people ‖. Diſſenſions with the barons.

That we may finiſh at once this intereſting tranſaction concerning the ſettlement of the charters, we ſhall briefly mention the ſubſequent events which relate to it. The conſtable and mareſchal, informed of the King's compliance, were ſatisfied; and not only ceaſed from diſturbing the government, but aſſiſted the regency with all their power againſt the Scots, who had riſen in arms, and had thrown off the yoke of the Engliſh †. But being ſenſible, that the ſmalleſt pretence would ſuffice to make Edward retract theſe deteſted laws, which, tho' they

* Walſing. p. 72. Heming. vol. 1. p. 115. Trevet, p. 302. † Walſing. p. 72. Heming. vol. 1. p. 117. Trevet, p. 304. ‡ Heming. vol. 1. p. 138. § Walſing. p. 73. Heming. vol. 1. p. 138, 139, 140, 141. Trevet. p. 308. ‖ Walſing. p. 74. Heming. vol. 1. p. 143. † Heming. vol. 1. p. 143.

Chap. XIII. 1297. had often received the ſanction both of King and parliament, and had been acknowledged during three reigns, were never yet deemed to have ſufficient validity; they inſiſted, that he ſhould again confirm them on his return to England, and ſhould thereby renounce all plea which he might derive from his reſiding in a foreign country, when he formerly affixed his ſeal to them *. It appeared, that they judged aright of Edward's character and intentions: He delayed this confirmation as long as poſſible; and when the fear of worſe conſequences obliged him again to comply, he added expreſsly a ſalvo for his royal dignity or prerogative, which in effect enervated the force of the whole charter †. The two earls and their adherents left the parliament in diſcontent; and the King was conſtrained, in a future ſeſſion, to grant the people, without any ſubterfuge, a pure and abſolute confirmation of thoſe laws ‡, which were ſo much the object of their paſſionate affection. Even farther ſecurities were then provided for the eſtabliſhment of national privileges. Three knights were appointed to be choſen in each county, and were inveſted with the power of puniſhing by fines and impriſonment, every tranſgreſſion or violation of the charters §: A precaution, which, tho' it was ſoon diſuſed, as encroaching too much on royal prerogative, proves the attachment, which the Engliſh in that age bore to liberty, and their well founded jealouſy of the arbitrary diſpoſition of Edward.

The work, however, was not yet entirely finiſhed and compleat. In order to execute the leſſer charter, it was requiſite by new perambulations to ſet bounds to the royal foreſts, and to deſafforeſt all thoſe lands which former encroachments had comprehended within their limits. Edward diſcovered the ſame reluctance to comply with this equitable demand; and it was not till after many delays on his part, and many ſollicitations and requeſts, and even menaces of war and violence ‖, on the part of the barons, that the perambulations were made, and exact boundaries fixt, by a jury in each county, to the extent of his foreſts †. Had not his ambitious and active temper raiſed him ſo many foreign enemies, and obliged him to have recourſe ſo often to the aſſiſtance of his ſubjects, it is likely that theſe conceſſions could never have been extorted from him.

* Heming. vol. 1. p. 159. † Heming. vol. 1. p. 167, 168. ‡ Heming. vol. 1. p. 168. § Hemingford, vol. 1. p. 170.

‖ Walſing. p. 80. We are told by Tyrrel, vol. 2. p. 145. from the Chronicle of St. Albans, that the barons, not contented with the execution of the charter of foreſts, demanded of Edward as high terms as had been impoſed on his father by the earl of Leiceſter: But no other hiſtorian mentions this particular.

† Heming. vol. 1. p. 171. M. Weſt. p. 431, 433.

But

But while the people, after ſo many ſucceſsful ſtrugles, deemed themſelves happy in the ſecure poſſeſſion of their privileges; they were ſurprized in 1305 to find, that Edward had ſecretly applied to Rome, and had procured from that mercenary court, an abſolution from all the oaths and engagements, which he had ſo often reiterated to obſerve both the charters. There are ſome hiſtorians * ſo credulous as to imagine, that this perilous ſtep was taken by him for no other purpoſe than to acquire the merit of granting a new confirmation of the charters, as he did ſoon after; and a confirmation ſo much the more unqueſtionable, that it could never after be invalidated by his ſucceſſors from the pretence of any force or violence which had been impoſed on him. But beſides, that this might have been done with a much better grace, if he had never applied for any ſuch abſolution, the whole tenor of his conduct proves him to be little ſuſceptible of ſuch refinements in patriotiſm; and this very deed itſelf, in which he confirmed anew the charters, carries in the face of it a very oppoſite preſumption. Tho' he ratified the charters in general, he ſtill laid hold of the papal bull ſo far as to invalidate the late perambulations of the foreſts, which had been made with ſuch care and attention, and to reſerve to himſelf the power, in caſe of favourable incidents, to extend as much as formerly theſe arbitrary juriſdictions. If the power was not in fact made uſe of, we can only conclude, that the favourable incidents did not occur. Chap. XIII. 1297.

Thus, after the conteſts of near a whole century, and thoſe ever accompanied with violent jealouſies, often with public convulſions, the great charter was finally eſtabliſhed; and the Engliſh nation have the honour of extorting, by their perſeverance, this conceſſion from the ableſt, the moſt warlike, and the moſt ambitious of all their princes †. It is computed, that above thirty confirmations of it were at different times required of ſeveral Kings, and granted by them, in full parliament; a precaution, which, while it diſcovers ſome ignorance of the true nature of law and government, proves a very laudable jealouſy of national privileges in the people, and an extreme anxiety, leſt contrary precedents ſhould ever be pleaded as an authority for infringing them. Accordingly we find, that, tho' arbitrary practices often prevailed, and were even able to eſtabliſh themſelves into ſettled cuſtoms, the validity of the great charter was never afterwards formally diſputed; and that grant was ſtill regarded as the baſis of the Engliſh government, and the ſure rule by which the authority of every cuſtom was to be tried and canvaſſed. The juriſdiction of the Star-chamber, martial law, impriſon-

* Brady, vol. 2. p. 84. Carte, vol. 2. p. 292.

† It muſt however be remarked, that the King never forgave the chief actors in this tranſaction, and he found means afterwards to oblige both the conſtable and mareſchal to reſign their offices into his hands. The former received a new grant of it: But the office of mareſchal was given to Thomas of Brotherton, the King's ſecond ſon.

Chap. XIII. 1297. ment by warrants from the privy council, and other practices of a like nature, tho' eſtabliſhed for ſeveral centuries, were ſcarce ever allowed by the Engliſh to be parts of their conſtitution: The affection of the nation for liberty ſtill prevailed over all precedent, and even all political reaſoning: The exerciſe of theſe powers, after being long the ſource of ſecret murmurs among the people, was, in fullneſs of time, ſolemnly aboliſhed, as illegal, at leaſt as oppreſſive, by the whole legiſlative authority.

To return to the period, from which this account of the charters has led us: Tho' the King's impatience to appear at the head of his armies in Flanders made him overlook all conſiderations, either of domeſtic diſcontents or of commotions among the Scots; he had been ſo long retarded by the ſeveral obſtructions thrown in his way, that he loſt the proper ſeaſon for action, and after his arrival made no progreſs againſt the enemy. The King of France, taking advantage of his abſence, had broke into the Low Countries; had defeated the Flemings in the battle of Furnes; had made himſelf maſter of Liſle, St. Omer, Courtrai, and Ypres; and ſeemed in a ſituation to take full vengeance on the earl of Flanders, his rebellious vaſſal. But Edward, ſeconded by an Engliſh army of 50,000 men (for this is the number aſſigned by hiſtorians *) was ſoon able to ſtop the career of his victories; and Philip, finding all the weak reſources of his kingdom to be already exhauſted, began to dread a reverſe of fortune, and to apprehend an invaſion on France itſelf. The King of England, on the other hand, diſappointed of aſſiſtance from Adolph, King of the Romans, which he had purchaſed at a very high price, and finding many urgent calls for his preſence in England, was deſirous of ending on any honourable terms a war, which ſerved only to divert his force from the execution of more important projects. This diſpoſition of both monarchs ſoon produced a ceſſation of hoſtilities for two years; and engaged them to ſubmit their differences to the arbitration of Pope Boniface.

1298. BONIFACE was the laſt of the ſovereign pontiffs who exerciſed an authority over the temporal juriſdiction of princes; and theſe exorbitant pretenſions, which he had been tempted to aſſume from the ſucceſsful example of his predeceſſors, but of which the ſeaſon was now paſt, involved him in ſo many calamities, and were attended with ſo unfortunate a cataſtrophe, that they have been ſecretly abandoned, tho' never openly relinquiſhed, by his ſucceſſors in the apoſtolic chair. Edward and Philip, equally jealous of papal claims, took care to inſert in their reference, that Boniface was made judge of the differences by their conſent, as a

* Heming. vol. 1. p. 146.

private

private perſon, not by any right of his pontificate; and the Pope, without ſeeming to be offended at this mortifying clauſe, proceeded to give a ſentence between them, in which they both acquieſced*. He brought them to agree, that their union ſhould be cemented by a double marriage; that of Edward himſelf, who was now a widower, with Margaret, Philip's ſiſter, and that of the prince of Wales with Iſabella, the daughter of that monarch †. Philip was likewiſe willing to reſtore Guienne to the Engliſh, which he had indeed no pretenſions to detain; but he inſiſted, that the Scots and their King, John Baliol, ſhould, as his allies, be alſo comprehended in the treaty, and ſhould be reſtored to their liberty. The difference was, after ſeveral diſputes, compromiſed by making mutual ſacrifices to each other. Edward agreed to abandon his ally the earl of Flanders, on condition that Philip ſhould treat in like manner his ally the King of Scots. The proſpect of conquering theſe two countries, whoſe ſituation made them ſo commodious an acquiſition to the different kingdoms, prevailed over all other conſiderations; and tho' they were both finally diſappointed in their hopes, their conduct was very reconcilable to the principles of an intereſted policy. This was the firſt ſpecimen which the Scots had of the French alliance, and which was exactly conformable to what a ſmaller power muſt always expect, when it blindly attaches itſelf to the will and fortunes of a greater. That unhappy people, now engaged in a brave, tho' unequal conteſt for their liberties, were totally abandoned by the ally, in whom they repoſed their final confidence, to the will of an imperious conqueror.

Chap. XIII. 1298.

Peace with France.

Tho' England, as well as other European countries, was, in its antient ſtate, very ill qualified for making, and ſtill worſe for maintaining conqueſts, Scotland was ſo much inferior in its internal force, and was ſo ill ſituated for receiving foreign ſuccours, that it is no wonder an ambitious monarch ſhould have caſt his eye on ſo tempting an acquiſition, which brought both ſecurity and greatneſs to his native kingdom. But the inſtruments whom Edward employed to maintain his dominion over the northern kingdom, were not happily choſen; and acted not with the requiſite prudence and moderation, in reconciling the Scottiſh nation to a yoke, which they bore with ſuch extreme reluctance. Warrenne retiring into England, on account of his bad ſtate of health, left the adminiſtration entirely in the hands of Ormeſby, who was appointed juſticiary of Scotland, and Creſſingham, who bore the office of treaſurer; and a very ſmall military force remained to ſecure the precarious authority of theſe miniſters. The latter had no other

Revolt of Scotland.

* Rymer, vol. 2. p. 817. Heming. vol. 1. p. 149. Trivet, p. 310.

† Rymer, vol. 2. p. 823.

Chap. XIII. 1298. object but the amaſſing money by rapine and injuſtice: The former diſtinguiſhed himſelf by the rigor and ſeverity of his temper: And both of them, treating the Scots as a conquered people, made them ſenſible, too early, of the grievous ſervitude, into which they had fallen. As Edward required, that all the proprietors of land ſhould ſwear fealty to him; every one, who refuſed or delayed the giving this teſtimony of ſubmiſſion, was outlawed, and confined, and puniſhed without mercy; and the braveſt and moſt generous ſpirits of the nation were thus exaſperated to the higheſt degree againſt the Engliſh government *.

THERE was one William Wallace, of a ſmall fortune, but deſcended of an antient family, in the weſt of Scotland, whoſe courage prompted him to undertake, and enabled him finally to execute, the deſperate attempt of delivering his native country from the dominion of foreigners. This man, whoſe valorous exploits are the object of juſt admiration, but have been much exaggerated by the traditions of his countrymen, had been provoked by the inſolence of an Engliſh officer to put him to death; and finding himſelf obnoxious on that account to the ſeverity of the adminiſtration, he fled into the woods, and offered himſelf as a leader to all thoſe whom their crimes or bad fortune, or avowed hatred of the Engliſh, had reduced to a like neceſſity. He was endowed with a gigantic force of body, with heroic courage of mind, with diſintereſted magnanimity, with an incredible patience and ability to bear hunger, fatigue, and all the ſeverities of the ſeaſons; and he ſoon acquired among thoſe deſperate fugitives that authority to which his virtues ſo juſtly intitled him. Beginning with ſmall attempts, in which he was always ſucceſsful, he gradually proceeded to more momentuous enterprizes; and he diſcovered equal caution in ſecuring his followers, and valour in annoying the enemy. By his knowledge of the country, he was enabled, when purſued, to enſure a retreat among the moraſſes or foreſts or mountains; and again, collecting his diſperſed aſſociates, appeared unexpectedly in another quarter, and ſurprized and routed and put to the ſword the unwary Engliſh. Every day brought accounts of his great actions, which were received with no leſs favour by his countrymen than terror by the enemy: All thoſe, who thirſted after military fame, were deſirous to partake of his renown: His ſucceſsful valour ſeemed to vindicate the nation from the ignominy into which it had fallen, by its tame ſubmiſſion to the Engliſh: And tho' no nobleman of note ventured as yet to join his party, he had gained a general confidence and attachment, which birth and fortune are not alone able to confer.

* Walſing. p. 70. Heming. vol. 1. p. 118. Trevet. p. 299.

WALLACE,

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WALLACE, having by many fortunate enterprizes, brought the valour of his followers to correſpond to his own, reſolved to ſtrike a deciſive blow againſt the Engliſh government; and he concerted the plan of attacking Ormeſby at Scone, and of taking vengeance on him, for all the violence and tyranny of which he had been guilty. The juſticiary apprized of his intention, fled haſtily into England: All the other officers of that nation imitated his example: Their terror added alacrity and courage to the Scots; who betook themſelves to arms in every quarter: Many of the principal barons, and among the reſt ſir William Douglas *, openly countenanced Wallace's party: Robert Bruce ſecretly favoured and promoted the ſame cauſe: And the Scots, ſhaking off their fetters, prepared themſelves to defend, by an united effort, that liberty which they had ſo unexpectedly recovered from the hands of their oppreſſors.

BUT Warrenne, collecting an army of 40,000 men in the north of England, prepared to re-eſtabliſh his authority; and he endeavoured by the celerity of his armament, and of his march, to compenſate for his paſt negligence, which had enabled the Scots to ſhake off the Engliſh government. He ſuddenly entered Annandale, and came up with the enemy at Irvine, before their forces were fully collected, and before they had put themſelves in a proper poſture of defence. Many of the Scots nobles, alarmed with their dangerous ſituation, here ſubmitted to the Engliſh, renewed their oaths of fealty, promiſed to deliver hoſtages for their good behaviour, and received a pardon for all paſt offences †. Others who had not yet declared themſelves, ſuch as the ſteward of Scotland and the earl of Lennox, joined, tho' with reluctance, the Engliſh army; and waited a favourable opportunity of embracing the cauſe of their diſtreſſed countrymen. But Wallace, whoſe authority over his retainers was more fully confirmed by the abſence of the great nobles, perſevered obſtinately in his purpoſe; and finding himſelf unable to give battle to the enemy, he marched northwards, with an intention of prolonging the war, and of turning to his advantage the ſituation of that mountainous and barren country. When Warrenne advanced to Stirling, he found Wallace encamped at Cambuſkenneth, on the oppoſite banks of the Forth; and being continually urged by the impatient Creſſingham, who was actuated both by perſonal and national animoſities againſt the Scots ‡, he prepared to attack them in that poſition, which Wallace, no leſs prudent than courageous, had choſen for his army §. In ſpite of the remonſtrances of Sir Richard Lundy, a Scotſman of birth and family, who ſincerely adhered to the Engliſh, he ordered his army to paſs a bridge which lay over the Forth; but he was ſoon convinced, by fatal

* Walſin. p. 70. Heming, vol. 1. p. 118. † Heming, vol. 1. p. 121, 122. ‡ Heming, vol. 1. p. 127. § On the 11th of September 1297.

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experience, of the error of his conduct. Wallace, allowing such numbers of the English to pass as he thought proper, attacked them before they were fully formed, put them to rout, pushed part of them into the river, where they were drowned, destroyed the rest by the edge of the sword, and obtained a complete victory over them *. Among the slain was Cressingham himself, whose memory was so extremely odious to the Scots, that they flea'd his dead body, and made saddles and girths of his skin †. Warrenne, finding the remainder of his army extremely dismayed by this misfortune, was obliged again to evacuate the kingdom, and retire into England. The castles of Roxborough and Berwick, ill fortified and feebly defended, fell soon after into the hands of the Scots.

WALLACE, universally revered as the deliverer of his country, now received from the hands of his followers, the dignity of regent or guardian under the captive Baliol; and finding, that the disorders of war, as well as the unfavourable seasons, had produced a famine in Scotland, he urged his army to march into England, to subsist at the expence of the enemy, and to revenge all past injuries, by committing retaliations on that hostile nation. The Scots, who deemed every thing possible under such a leader, joyfully attended his call; and Wallace, breaking into the northern counties during the winter season, laid every place waste with fire and sword; and after extending on all sides, without opposition, the fury of his ravages, as far as the bishopric of Durham, he returned loaded with spoils, and crowned with glory, into his own country ‡. The disorders, which at that time prevailed in England, from the refractory behaviour of the constable and mareschal, made it impossible to collect an army sufficient to resist the enemy, and exposed the nation to this loss and dishonour.

BUT Edward, who received in Flanders intelligence of these events, and had already concluded a truce with France, now hastened over into England, in certain hopes, by his activity and valour, not only of wiping off this disgrace, but of recovering that important conquest of Scotland, which he always regarded as the chief glory and advantage of his reign. He appeased the murmurs of his people by concessions and promises: He restored to the citizens of London the election of their own magistrates, of which they had been bereaved in the latter part of his father's reign: He ordered strict enquiry to be made concerning the quantities of corn and other goods, which had been violently seized before his departure, as if he intended to pay the value to the owners §: And making public professions of confirming and observing the charters, he regained the confidence of the

* Walsin. p. 73. Heming. vol. 1. p. 127, 128, 129. Trivet, p. 307. † Heming. vol. 1. p. 130. ‡ Heming. vol. 1. p. 131, 132, 133. § Rymer, vol. 2. p. 813.

discon-

diſcontented nobles. Having by all theſe popular arts rendered himſelf entirely maſter of his people, he collected the whole military force of England, Wales, and Ireland; and marched with an army of near an hundred thouſand combatants to the northern frontiers. Chap. XIII. 1290.

NOTHING could have enabled the Scots to reſiſt, but for one ſeaſon, ſo mighty a power, except an entire union among themſelves; but as they were deprived of their King, whoſe perſonal qualities, even when he was preſent, appeared ſo contemptible, and had left among his ſubjects no principle of attachment to him or his family; factions, jealouſies, and animoſities, unavoidably aroſe among the great, and diſtracted all their councils. The elevation of Wallace, tho' purchaſed by ſo great merit, and ſuch eminent ſervices, was the object of envy to the nobility, who repined to ſee a private gentleman raiſed above them by his rank, and ſtill more, by his glory and reputation. Wallace himſelf, ſenſible of their jealouſy, and dreading the ruin of his country from thoſe inteſtine diſcords, voluntarily reſigned his authority, and retained only the command over that body of his followers, who, being accuſtomed to victory under his ſtandard, refuſed to follow into the field any other leader. The chief power devolved on the ſteward of Scotland, and Cummin of Badenoch; men of eminent birth, under whom the great chieftans were more willing to ſerve in defence of their country. The two Scottiſh commanders, collecting their ſeveral forces from every quarter, fixed their ſtation at Falkirk, and propoſed there to abide the aſſault of the Engliſh. Wallace was at the head of a third body, which acted under his command. The Scots army placed the pikemen along their front: Interlined the intervals between the three bodies with archers: And dreading the great ſuperiority of the Engliſh in cavalry, endeavoured to ſecure their front by paliſadoes, tied together with ropes *. In this diſpoſition, they expected the approach of the enemy.

THE King, when he arrived in ſight of the Scots, was pleaſed with the proſpect of being able, by one deciſive ſtroke, to determine the fortune of the war; and dividing his army alſo into three bodies, he led them to the attack. The Engliſh archers, who began about this time to ſurpaſs thoſe of other nations, firſt chaced the Scottiſh bowmen off the field; and then pouring in their arrows among the pikemen, who were cooped up within their intrenchments, began to throw them into diſorder, and rendered the aſſault of the Engliſh pikemen and cavalry more eaſy and ſucceſsful. The whole Scottiſh army was broke, and chaced off the field with great ſlaughter; which the hiſtorians, attending more to the exaggerated relations of the populace, than to the probability of things, make amount 22d July. Battle of Falkirk.

* Walſing. p. 75. Heming. vol. 1. p. 163.

to

Chap. XIII. 1298. to fifty or ſixty thouſand men *. It is only certain, that the Scots never ſuffered a greater loſs in any action, nor one which ſeemed to threaten more inevitable ruin to their country.

In this general rout of the army, Wallace's military ſkill and preſence of mind enabled him to keep his troops together; and retiring behind the Carron, which lay in his rear, he marched leiſurely along the banks of that ſmall river, which protected him from the enemy. Young Bruce, who had already given many proofs of his aſpiring genius, but who ſerved hitherto in the Engliſh army, appeared on the oppoſite banks; and diſtinguiſhing the Scottiſh chieftain, as well by his majeſtic port, as by the intrepid activity of his behaviour, called out to him, and deſired a ſhort conference. He here repreſented to Wallace the fruitleſs and ruinous enterprize in which he was engaged; and endeavoured to perſwade him to bend at laſt his inflexible ſpirit to ſubmiſſion under ſuperior power and ſuperior fortune: He inſiſted on the unequal conteſt between a weak ſtate, deprived of its head and agitated by inteſtine diſcord, and a mighty nation, conducted by the ableſt and moſt martial monarch of the age, and poſſeſſed of every reſource either for drawing out the war, or for puſhing it with vigor and activity: If the love of his country was his motive for perſeverance, his obſtinacy tended only to prolong her miſery; if he carried his views to private grandeur and ambition, he might reflect, that, even if Edward ſhould withdraw his armies, it appeared from paſt experience, that ſo many haughty nobles, proud of the preeminence of their families, would never ſubmit to perſonal merit, whoſe ſuperiority they were leſs inclined to regard as an object of admiration, than as a reproach and injury to themſelves. To theſe exhortations Wallace replied, that if he had hitherto acted alone, as the champion of his native country, it was ſolely becauſe no ſecond or competitor, or what he rather wiſhed, no leader had as yet appeared to place himſelf in that honourable ſtation: That the blame lay entirely on the nobility, and chiefly on Bruce himſelf, who uniting perſonal merit to dignity of family, had deſerted the poſt, which both nature and fortune, by ſuch powerful calls, invited him to aſſume: That the Scots, poſſeſſed of ſuch a head, would, by their unanimity and concord, have ſurmounted the chief difficulty under which they now laboured, and might hope, notwithſtanding their preſent loſſes, to oppoſe ſucceſsfully all the abilities and power of Edward: That Heaven itſelf could not ſet a more glorious prize before the eyes either of virtue or ambition, than to conjoin in one object, the acquiſition of royalty with the defence of national independance: And that as the intereſts of his country, no

* Walſing. p. 76. T. Wykes, p. 127. Heming. vol. 1. p. 163, 164, 165. Trivet, p. 313, ſays only 20,000. M. Weſt. p. 431, ſays 40,000.

more

more than thoſe of a brave man, could never be ſincerely cultivated by a ſacrifice of liberty, he himſelf was determined, as far as poſſible, to prolong, not her miſery, but her freedom, and was deſirous, that his own life, as well as the exiſtence of the nation, might terminate, when they could no longer be preſerved but by receiving the chains of a haughty victor. The gallantry of theſe ſentiments, tho' delivered by an armed enemy, ſtruck the generous mind of Bruce: The flame was conveyed from the breaſt of one hero to that of another: He repented of his engagements with Edward; and opening his eyes to the honourable path, pointed out to him by Wallace, ſecretly determined to ſeize the firſt opportunity of embracing the cauſe, however deſperate, of his oppreſſed country *. Chap. XIII. 1298.

THE ſubjection of Scotland, notwithſtanding this great victory of Edward, was not yet entirely completed. The Engliſh army, after reducing all the ſouthern provinces, was obliged to retire for want of proviſions; and left the northern counties in the hands of the natives. The Scots, no leſs enraged with their preſent defeat, than elevated by their paſt victories, ſtill maintained the conteſt for liberty; but being fully ſenſible of the great inferiority of their forces, they endeavoured, by application to foreign courts, to procure to themſelves ſome aſſiſtance. The ſupplications of the Scottiſh miniſters were rejected by Philip; but were more ſucceſsful with the court of Rome. Boniface, pleaſed with an occaſion of exerting his authority, wrote a letter to Edward, exhorting him to put a ſtop to the oppreſſions of Scotland, and diſplaying all the proofs, ſuch as they had probably been furniſhed him by the Scots themſelves, for the antient independance of that kingdom †. Among other arguments, hinted at above, he mentioned the treaty conducted and finiſhed by Edward himſelf, for the marriage of his ſon with the heireſs of Scotland; a treaty which would have been abſurd, had he been ſuperior lord of the kingdom, and had poſſeſſed by the feudal law the right of diſpoſing of his ward in marriage. He mentioned ſeveral other ſtriking facts, which fell within the compaſs of Edward's own knowledge; particularly, that Alexander, when he did homage to the king, openly and expreſsly declared in his preſence, that he ſwore fealty not for his crown, but for the lands which he held in England: And the Pope's letter might have paſſed for a very reaſonable one, had he not ſubjoined his own claim to be liege lord of Scotland; a right, which had never once been heard of, but which, with a ſingular confidence, he aſſerted 1299. 1300. Scotland again ſubdued.

* This ſtory is told by all the Scots writers; tho' it muſt be owned that Trivet and Hemingford, authors of good credit, both agree that Bruce was not in Edward's army.

† Rymer, vol. 2. p. 844. Walſin. p. 78, 80. Heming. vol. 1. p. 172. Trivet. p. 318. M. Weſt. p. 435.

Chap. XIII. 1300. to be full, entire, and derived from the moſt remote antiquity. The affirmative ſtyle, which had been ſo ſucceſsful with him and his predeceſſors in ſpiritual conteſts, was never before abuſed after ſo egregious a manner in any civil controverſy.

1301. THE reply, which Edward wrote to Boniface's letter, contains particulars no leſs ſingular and remarkable *. He there proves the ſuperiority of England by hiſtorical facts, deduced from Brutus, the Trojan, who, he ſaid, firſt founded the Britiſh monarchy in the age of Eli and Samuel: He ſupports his poſition by all the events which paſſed in the iſland before the arrival of the Romans: And after laying great ſtreſs on the extenſive dominion and heroic victories of King Arthur, he vouchſafes at laſt to deſcend to the times of Edward, the elder, with which, in his ſpeech to the ſtates of Scotland, he had choſen to begin his claim of ſuperiority. He aſſerts it to be a fact, *notorious and confirmed by the records of antiquity*, that the Engliſh monarchs had often conferred the kingdom of Scotland on their own ſubjects; had dethroned theſe vaſſal kings when unfaithful to them; and had ſubſtituted others in their place. He diſplays with great pomp the full and complete homage which William had done to Henry II; without mentioning the former abolition of that *extorted* deed by King Richard, and the renounciation of all future claims of the ſame nature. Yet this paper he begins with a ſolemn appeal to the Almighty, the ſearcher of hearts, for his own firm perſuaſion of the juſtice of his claim; and no leſs than an hundred and four barons aſſembled in parliament at Lincoln, concur, in maintaining before the Pope, under their ſeals, the validity of theſe pretenſions †. At the ſame time, however, they take care to inform Boniface, that, tho' they had juſtified their cauſe before him, they did not receive him for their judge: The crown of England was free and ſovereign: They had ſworn to maintain all its royal prerogatives, and would never permit the king himſelf, were he willing, to relinquiſh its independancy.

1302. THAT neglect, almoſt total, of truth and juſtice, which ſovereign ſtates diſcover in their tranſactions with each other, is an evil inveterate in the world; is one great ſource of the miſery to which the human ſpecies is continually expoſed; and it may be doubted, whether in many inſtances it is found in the end to contribute to the intereſts of thoſe princes themſelves, who thus ſacrifice their integrity to their politics. As few monarchs have lain under ſtronger temptations to violate the principles of equity, than Edward in his tranſactions with Scotland; ſo never were they violated with leſs ſcruple and re-

* Rymer, vol. 2. p. 863. Walſing. p. 81. Heming. vol. 1. p. 177. Trivet, p. 320. M. Weſt. p. 439. Ryley, p. 596. † Rymer, vol. 2. p. 873. Walſing. p. 85. Heming. vol. 1. p. 186. Trivet, p. 330. M. Weſt. p. 443.

ſerve:

ſerve: Yet his advantages were hitherto precarious and uncertain; and the Scots, once rouzed to arms and enured to war, began to appear a formidable enemy, even to this military and ambitious prince. They choſe John Cummin for their regent; and not content with maintaining their independance in the northern parts, they made incurſions into the ſouthern counties, which, Edward imagined, he had totally ſubdued. John de Segrave, whom he had left guardian of Scotland, led an army to oppoſe them; and lying at Roſlin near Edinburgh, ſent out his forces in three diviſions, to provide themſelves in forage and ſubſiſtance from the neighbourhood. One party was ſuddenly attacked by the regent and Sir Simon Fraſer; and being unprepared, were immediately routed and purſued with great ſlaughter. The few that eſcaped, flying to the ſecond diviſion, gave warning of the approach of the enemy: The ſoldiers ran to their colours: And were immediately led out to take revenge for the death of their countrymen. The Scots, elated with the advantage already obtained, made a vigorous impreſſion upon them: The Engliſh, animated with vengeance, maintained a ſtout reſiſtance: The victory was long undecided between them; but at laſt declared itſelf entirely in favour of the former, who broke the Engliſh, and chaced them to the third diviſion, now advancing with a haſty march to ſupport their diſtreſſed companions. Many of the Scots had fallen in the two firſt actions; moſt of them were wounded; and all of them extremely fatigued by the long continuance of the combat: Yet were they ſo tranſported with ſucceſs and military rage, that, having ſuddenly recovered their order, and arming the followers of their camp with the ſpoils of the ſlaughtered enemy, they drove with fury upon the ranks of the diſmayed Engliſh. The favourable moment decided the battle; which the Scots, had they met with a ſteddy reſiſtence, were not long able to maintain: The Engliſh were chaced off the field: Three victories were thus gained in one day *: And the renown of theſe great exploits, ſeconded by the favourable diſpoſitions of the people, ſoon made the regent maſter of all the fortreſſes in the ſouth; and it became neceſſary for Edward to begin anew the conqueſt of the kingdom.

Chap. XIII.

Scotland again revolts.

1303.

24th Feb.

The King prepared himſelf for this enterprize with his uſual vigour and ability. He aſſembled both a great fleet and a great army; and entering the frontiers of Scotland, appeared with a force, which the enemy could not think of reſiſting in the open field: The Engliſh navy which ſailed along the coaſt, ſecured the army from any danger of famine: Edward's vigilance preſerved them from ſurprizes: And by this prudent diſpoſition, they marched victoriouſly from one extremity of the kingdom to the other, ravaging the open country, taking in all the caſtles †,

* Heming. vol. 1. p. 197. † Heming. vol. 1. p. 205.

Chap. XIII. 1303. and receiving the ſubmiſſions of all the nobility, even thoſe of Cummin the regent. The moſt obſtinate reſiſtance was made by the caſtle of Brechin, defended by Sir Thomas Maule; and the place opened not its gates, till the death of the governor, by diſcouraging the garriſon, obliged them to ſubmit to the fate, which had overwhelmed the reſt of the kingdom. Wallace, tho' he attended the Engliſh army in their march, found but few opportunities of ſignalizing that valour, which had formerly made him ſo terrible to his enemies.

Is again ſubdued.

1304. EDWARD, having compleated his conqueſt, which employed him during the ſpace of near two years, now undertook the more difficult work, of ſettling the country, of eſtabliſhing a new form of government, and of making his acquiſition durable to the crown of England. He ſeems to have carried matters to extremity againſt the natives: He abrogated all the Scottiſh laws and cuſtoms *. He endeavoured to ſubſtitute the Engliſh in their place: He entirely razed or deſtroyed all the monuments of antiquity: Such records or hiſtories as had eſcaped his former ſearch were now burnt or diſperſed: And he haſtened, by too precipitate ſteps, to aboliſh entirely the Scottiſh name, and to ſink it finally into the Engliſh.

1305. EDWARD, however, ſtill deemed his favourite conqueſt expoſed to ſome danger, ſo long as Wallace was alive; and being prompted both by revenge and policy, he employed every art to diſcover his retreat, and become maſter of his perſon. At laſt, that hardy warrior, who was determined, amidſt the univerſal ſlavery of his country-men, ſtill to maintain his independance, was betrayed into Edward's hands by Sir John Monteith, his friend, whom he had made acquainted with the place of his concealment. The King, whoſe natural bravery ſhould have induced him to reſpect like qualities in an enemy, enraged at ſome violence committed by Wallace during the fury of war †, reſolved to overawe the Scots by an example of ſeverity; and he ordered Wallace to be carried up in chains to London; to be tried as a rebel and traitor, tho' he never had made ſubmiſſion, nor ſworn fealty to England; and to be executed on Tower-hill ‡. This was the unworthy fate of a hero, who, thro' a courſe of many years, had, with ſignal conduct, intrepidity and perſeverance, defended, againſt a public and oppreſſive enemy, the liberties of his native country.

23 Auguſt.

BUT the barbarous policy of Edward failed of the purpoſe, to which it was directed. The Scots, already diſguſted with the great innovations introduced by

* Ryley, p. 506. † Walſing. p. 84. Heming. vol. 1. p. 120. ‡ Walſing. p. 90. Trivet, p. 340. Murinmuth, p. 36.

the

the ſword of a conqueror into their laws and government, were farther enraged at the injuſtice and cruelty exerciſed upon Wallace; and all the envy, which, during his lifetime, had attended that gallant chieftain, being now buried in his grave, he was univerſally regarded as the champion of Scotland, and the patron of her expiring independance. The people, inflamed with reſentment, were every where diſpoſed to riſe againſt the Engliſh government; and it was not long before a new and more fortunate leader preſented himſelf, who conducted them to liberty, to victory, and to vengeance. Chap. XIII. 1305.

ROBERT BRUCE, the ſon * of that Robert, who had been one of the competitors for the crown, had ſucceeded, by his father's death, to all his pretenſions; and the death of John Baliol which happened nearly about the ſame time in France, with the captivity of Edward, the only ſon of that prince, ſeemed to open a full career to the genius and ambition of this young nobleman. He ſaw, that the Scots, when the right to their crown had expired in the males of their antient royal family, had been divided into parties nearly equal between the houſes of Bruce and Baliol; and that every incident, which had ſince happened, had tended to wean them from any attachment to the latter. The ſlender capacity of John had proved unable to defend them againſt their enemies: He had meanly reſigned his crown into the hands of the conqueror: He had, before his delivery from captivity, re-iterated that reſignation in a manner ſeemingly voluntary; and had in that act thrown out many reflections extremely diſhonourable to his antient ſubjects, whom he publickly called traitors, ruffians, and rebels, and with whom, he declared, he was determined to maintain no farther connexions †: He had, during the time of his exile, adhered ſtrictly to that reſolution; and his ſon, being a priſoner, ſeemed ill qualified to revive the rights, now fully abandoned, of his family. Bruce therefore hoped, that the Scots, ſo long expoſed, from the want of a leader, to the oppreſſions of their enemies, would unanimouſly fly to his ſtandard, and would ſeat him on the vacant throne, to which he brought ſuch plauſible pretenſions. His aſpiring ſpirit, inflamed by the fervor of youth, and buoyed up by his natural courage, ſaw the glory alone of the enterprize, or regarded the prodigious difficulties, which attended it, as the ſource only of farther glory. The miſeries and oppreſſions, which he had beheld his countrymen ſuffer in their unequal conteſt; the repeated defeats and misfortunes, which they had undergone; proved to him ſo many incentives to bring 1306. Robert Bruce.

* Hemingford, vol. 1. p. 218. calls him the grandſon of Robert; and is very particular in the account of the times in which his father and grandfather died. Hemingford is the beſt hiſtorian of that age. † Brady's hiſt. vol. 2. App. N°. 27.

them

Chap. XIII. 1306. them relief, and conduct them to revenge againſt the haughty victors. The circumſtances, which attended Bruce's firſt declaration, are variouſly related; but we ſhall rather follow the account given by the Scots hiſtorians; not that their authority is in general any wiſe to be compared to that of the Engliſh; but becauſe they may be ſuppoſed to be ſometimes better informed concerning facts, which ſo nearly intereſted their own nation.

BRUCE, who had long harboured in his breaſt the deſign of freeing his enſlaved country, ventured at laſt to open his mind to John Cummin, a powerful nobleman, with whom he lived in ſtrict intimacy. He found in his friend all the appearance of his own ſentiments; and needed to employ no arts of perſuaſion to make him embrace the reſolution of throwing off, on the firſt favourable opportunity, the uſurped dominion of the Engliſh. But on the departure of Bruce, who attended Edward to London, Cummin, who either had diſſembled all along with him, or began to reflect more coolly in his abſence on the deſperate nature of the undertaking, reſolved to attone for his crime of aſſenting to this rebellion, by the merit of revealing the ſecret to the King of England. Edward did not immediately commit Bruce to cuſtody; becauſe he propoſed, at the ſame time, to ſeize his three brothers, who reſided in Scotland; and he contented himſelf with ſecretly ſetting ſpies upon him, and ordering all his motions to be ſtrictly guarded. A nobleman of Edward's court, Bruce's intimate friend, was apprized of his danger; but not daring, amidſt ſo many watchful eyes, to hold any converſation with him, he fell on an expedient to give him warning, that it was full time he ſhould make his eſcape. He ſent him by a ſervant, a pair of gilt ſpurs and a purſe of gold, which he pretended to have borrowed from him; and left it to the ſagacity of his friend to diſcover the meaning of the preſent. Bruce immediately contrived the means of his eſcape; and as the ground was at that time covered with ſnow, he had the precaution, it is ſaid, to order his horſes to be ſhod with their ſhoes turned backwards, that he might deceive thoſe, who ſhould track his path over the open fields or croſs roads, thro' which he purpoſed to travel. He arrived in a few days at Dumfries in Annandale; the chief ſeat of his family intereſt; and he happily found a great number of the Scottiſh nobility there aſſembled, and among the reſt, John Cummin, his former aſſociate.

10th Feb. THE noblemen were aſtoniſhed at the appearance of Bruce in their company; and ſtill more when he diſcovered to them the object of his journey. He told them, that he was come to live or die with them in defence of the liberty of his country, and hoped, with their aſſiſtance, to redeem the Scottiſh name from all the indignities, which it had ſo long ſuffered from the tyranny of their imperious maſters: That the ſacrifice of the rights of his family was the firſt injury which had pre-

Chap XIII. 1306.

pared the way for their enſuing ſlavery; and by reſuming them, which was his firm purpoſe, he opened to them the joyful proſpect of recovering from the fraudulent uſurper their antient and hereditary independance: That all their paſt misfortunes had proceeded from their diſunion; and they would ſoon appear no leſs formidable than of old to their enemies, if they now deigned to follow into the field their rightful prince, who knew no medium between death and victory: That their mountains and their valour, which had, during ſo many ages, protected their liberty from all the efforts of the Roman empire, would ſtill be ſufficient, were they worthy of their generous anceſtors, to defend them againſt the utmoſt violence of the Engliſh tyrant: That it was unbecoming men, born to the moſt antient independance, known in Europe, to ſubmit to the will of any maſters; but fatal to receive thoſe, who, being irritated by ſuch perſevering oppoſition, and enflamed with the higheſt animoſity, would never deem themſelves ſecure of their uſurped dominion but by exterminating all the antient nobility, and even all the antient inhabitants: And that, being reduced to this deſperate extremity, it were better for them at once to periſh, like brave men, with their ſwords in their hands, than to dread long, and at laſt undergo, the fate of the unfortunate Wallace, whoſe merits, in the brave and obſtinate defence of his country, were finally rewarded by the hands of an Engliſh executioner.

The ſpirit with which this diſcourſe was delivered, the bold ſentiments which it conveyed, the novelty of Bruce's declaration, aſſiſted by the graces of his youth and manly deportment, made deep impreſſion on the minds of his audience, and rouzed all thoſe principles of indignation and revenge, with which they had long been ſecretly actuated. The Scottiſh nobles declared their unanimous reſolution to uſe the utmoſt efforts in delivering their country from bondage, and to ſecond the courage of Bruce, in aſſerting his and their undoubted rights, againſt their common oppreſſors. Cummin alone, who had ſecretly taken his meaſures with the King, oppoſed this general determination; and by repreſenting the great power of England, governed by a prince of ſuch uncommon vigour and abilities, he endeavoured to ſet before them the certain deſtruction, which they muſt apprehend, if they again violated their oaths of fealty, and ſhook off their allegiance to the victorious Edward *. Bruce, already apprized of his treachery, and forſeeing the certain failure of all his own ſchemes of ambition and glory from the oppoſition of ſo potent a leader, took immediately his reſolution; and moved partly by reſentment, partly by policy, followed Cummin on the diſſolution of the aſſembly, attacked him in the cloyſters of the Grey Friars thro' which he paſſed, and running him thro' the body, left him for dead. Sir Thomas Kirkpa-

* M. Weſt. p. 453.

tric,

Chap. XIII. 1306. tric, one of Bruce's friends, aſking him ſoon after, if the traitor was ſlain. *I believe ſo*, replied Bruce. *And is that a matter*, cried Kirkpatric, *to be left to conjecture? I will ſecure him.* Upon which he drew his dagger, ran to Cummin, and ſtabbed him to the heart. This deed of Bruce and his aſſociates, which contains circumſtances, juſtly condemned by our preſent manners, was regarded in that age as an effort of manly vigour and juſt policy. The family of Kirkpatric took for the creſt of their arms, which they ſtill wear, a hand with a bloody dagger: And choſe for their motto theſe words, *I will ſecure him*; the expreſſion employed by their anceſtor, when he executed that violent action.

Third revolt of Scotland. THE murder of Cummin affixed the ſeal to the conſpiracy of the Scottiſh nobles: They had now no reſource left but to ſhake off the yoke of England, or to periſh in the attempt: The genius of the nation rouzed itſelf from its preſent dejection: And Bruce, flying to different quarters, excited his partizans to arms, attacked with ſucceſs the diſperſed bodies of the Engliſh, got poſſeſſion of many of the caſtles, and having made his authority be acknowledged in moſt parts of the kingdom, was ſolemnly crowned and inaugurated in the abbey of Scone by the biſhop of St. Andrews, who had zealouſly embraced his cauſe. The Engliſh were again chaced out of the kingdom, except ſuch as took ſhelter in the ſtrong fortreſſes that remained in their hands; and Edward found, that the Scots, twice conquered in his reign, and often defeated, muſt yet be anew ſubdued. Not diſcouraged with theſe unexpected difficulties, he ſent Aymer de Valence with a conſiderable force into Scotland to check the progreſs of the inſurgents; and that general, falling unexpectedly upon Bruce at Methven in Perthſhire, threw his army into ſuch diſorder, as ended in a total defeat*. Bruce fought with the moſt heroic courage, was thrice diſmounted from his horſe in the action, and as often recovered himſelf; but was at laſt obliged to yield to ſuperior fortune, and take ſhelter with a few followers in the weſtern iſles. The earl of Athole, Sir Simon Fraſer, and Sir Chriſtopher Seton, who had been taken priſoners, were ordered by Edward to be executed as rebels and traitors†. Many other acts of
1307. rigor were exerciſed by him; and that prince, vowing revenge againſt the whole Scottiſh nation, whom he deemed incorrigible in their averſion to his government, aſſembled a great army, and was preparing to enter the frontiers, ſecure of ſucceſs, and determined to make the defenceleſs Scots the victims of his ſeverity: When he unexpectedly ſickened and died at Carliſle; enjoining with his laſt breath his ſon and ſucceſſor to proſecute the enterprize, and never to deſiſt till
Death 7th July. he had finally ſubdued the kingdom of Scotland. He expired in the ſixty ninth

* Walſing. p. 91. Heming. vol. 1. p. 222, 223. Trevet, p. 344. † Heming. vol. 1. p. 223. M. Weſt. p. 456.

year of his age, and the thirty fifth of his reign, hated by his neighbours, but extremely respected and revered by his own subjects. Chap. XIII. 1307.

The enterprizes finished by this prince, and the projects which he formed and brought very near to a conclusion, were more prudent, more regularly conducted, and more advantageous to the solid interests of his kingdom than those which were undertaken in any reign either of his ancestors or his successors. He restored authority to the government, disordered by the weakness of his father; he maintained the laws against all the efforts of his turbulent barons; he fully annexed to his crown the principality of Wales; he took the wisest and most effectual measures for reducing Scotland to a like condition; and tho' the equity of this latter enterprize may reasonably be questioned, the circumstances of the two kingdoms promised such certain success, and the advantage was so visible of uniting the whole island under one head, that those who give great indulgence to reasons of state in the measures of princes, will not be apt to regard this part of his conduct with much severity. But Edward, however exceptionable his character may appear on the head of justice, is the model of a politic and warlike King: He possessed industry, penetration, courage, vigour, and enterprize: He was frugal in all expences that were not necessary; he knew how to open the public treasures on a proper occasion; he punished criminals with severity; he was gracious and affable to his servants and courtiers; and being of a majestic figure, expert at all bodily exercises, and in the main well proportioned in his limbs, notwithstanding the great length and the smallness of his legs, he was as well qualified to captivate the populace by his exterior appearance, as to gain the approbation of men of sense by his more solid virtues. and character of the King.

But the chief advantage, which the people of England reaped, and still continue to reap, from the reign of this great prince, was the correction, extension, amendment, and establishment of the laws, which Edward maintained in great vigour, and left much improved to posterity: For the work of wise legislators commonly remain; while the acquisitions of conquerors often perish with them. This merit has justly gained to Edward the appellation of the English Justinian. Not only the numerous statutes, passed in his reign, touch the chief points of jurisprudence, and, according to Sir Edward Coke*, truly deserve the name of establishments, because they were more constant, standing, and durable laws than any made since; but the regular order of his administration gave an opportunity to the common law to refine itself, and brought the judges to a certainty in their determinations, and the lawyers to a precision in their pleadings. Sir Matthew Miscellaneous transactions of this reign.

* Institute, p. 156.

Chap. XIII. 1307.

Hale has remarked the ſudden improvement of Engliſh law during this reign; and ventures to aſſert, that, till his own time, it had never received any conſiderable encreaſe *. Edward ſettled the juriſdiction of the ſeveral courts; firſt eſtabliſhed the office of juſtice of peace; abſtained from the practice too common before him, of interrupting juſtice by mandates from the privy council †; repreſſed robberies and diſorders ‡; encouraged trade by giving merchants an eaſy way of recovering their debts §; and in ſhort, introduced a new face of things by the vigour and wiſdom of his government. As law began now to be well eſtabliſhed, the abuſe of that happineſs began alſo to be remarked. Inſtead of their former aſſociations for robbery and violence, men entered into formal combinations to ſupport each other in law-ſuits; and it was found requiſite to check this grievance by act of parliament ‖.

THERE happened in this reign a conſiderable alteration in the execution of the laws: The King aboliſhed the office of chief juſticiary, which he thought poſſeſſed too much power, and was dangerous to the crown †: He compleated the diviſion of the court of exchequer into four diſtinct courts, which managed, each, its ſeveral branch, without dependance on any one magiſtrate; and as the lawyers invented a method, by means of their fictions, to carry buſineſs from one court to another, the ſeveral courts became rivals and checks to each other; a circumſtance which tended much to improve the practice of the law in England.

BUT tho' Edward appeared thus, thro' his whole reign, a friend to law and juſtice, it cannot be ſaid, that he was an enemy to arbitrary power; and in a government more regular and legal than was that of England in his age, ſuch practices as thoſe which may be remarked in his adminiſtration, would have given ſufficient ground of complaint, and ſometimes were even in his age the object of general diſpleaſure. The violent plunder and baniſhment of the Jews; the putting the whole clergy, at once, out of the protection of law; the ſeizing all the wool and leather of the kingdom; the heightening the impoſitions on the former valuable commodity; the new and illegal commiſſion of Trail-baſton; the taking all the money and plate of monaſteries and churches, even before he had any quarrel with the clergy; the ſubjecting every man poſſeſſed of twenty

* Hiſtory of the Engliſh law, p. 158, 163.

† Anticuli ſuper Cart. cap. 6. Edward enacted a law to this purpoſe; but it is very doubtful, whether he ever obſerved it. We are ſure that ſcarce any of his ſucceſſors did. The multitude of theſe letters of protection were a ground of complaint by the commons in 3 Edw. II. See Ryley, p. 525. This practice is declared illegal by the ſtatute of Northampton paſſed in the ſecond of Edward III. but ſtill continued, like many other abuſes. There are inſtances of it ſo late as the reign of Q. Elizabeth.

‡ Statute of Winton. § Statute of Acton Burnel. ‖ Statute of Conſpirators.

† Spelman. Gloſſ. in verbo *juſticiarius*. Gilbert's hiſt. of the Exchequer, p. 8.

pounds

pounds a year to military ſervice, tho' not bound to it by his tenure; his viſible reluctance to confirm the great charter, as if that conceſſion had had no validity from the deeds of his predeceſſors; the captious clauſe which he at laſt annexed to his confirmation; his procuring, after all, the Pope's diſpenſation from the oaths which he had taken to obſerve that charter; and his levying of arbitrary talliages even after the ſtatute, or rather charter, by which he had renounced that prerogative; theſe are ſo many demonſtrations of his arbitrary diſpoſition, and prove with what exception and reſerve we ought to celebrate his love of juſtice. He took care that his ſubjects ſhould do juſtice to one another; but he deſired always to have his own hands free in all his tranſactions, both with them and with his neighbours. Chap. XIII. 1307.

THE chief obſtruction to the execution of juſtice in thoſe times was the power of the great barons; and Edward was perfectly qualified, by his character and abilities, to keep theſe tyrants in awe, and to reſtrain their illegal practices. This ſalutary purpoſe was accordingly the great object of his attention; yet he was imprudently led into a meaſure which tended very much to encreaſe and confirm their exorbitant authority. He paſſed a ſtatute, which, by allowing them to entail their eſtates, made it impracticable to diminiſh the property of the great families, and left them all means of encreaſe and acquiſition.

EDWARD obſerved a contrary policy with regard to the church: He ſeems to have been the firſt chriſtian prince who paſſed a ſtatute of mortmain; and prevented by law the clergy from making new acquiſitions of lands, which by the eccleſiaſtical canons they were for ever prohibited to alienate. The oppoſition between his maxims with regard to the nobility and eccleſiaſtics, leads us to conjecture, that it was only by chance he paſſed the beneficial ſtatute of mortmain, and that his ſole object was, to maintain the number of knights fees, and to prevent the ſuperiors from being defrauded of the profits of wardſhip, marriage, livery, and other emoluments ariſing from the feudal tenures. This is indeed the reaſon aſſigned in the ſtatute itſelf, and appears to have been his real object in enacting it. The author of the annals of Waverly aſcribes this act chiefly to the King's anxiety for maintaining the military force of the kingdom; but adds that he was much miſtaken in his purpoſe; for that the Amalekites were overcome more by the prayers of Moſes than by the ſword of the Iſraelites †.

EDWARD was very active in reſtraining the uſurpations of the church, and excepting his ardour for Croiſades, which adhered to him during his whole life, ſeems, in other reſpects, to have been little infected with ſuperſtition, the vice

* Brady of burroughs, p. 25, from the records.

† P. 234. So alſo M. Weſt. p. 409.

Chap. XIII. 1307. chiefly of weak minds. But the paſſion for Croiſades was really in that age the paſſion for glory. As the Pope now felt himſelf ſomewhat more reſtrained in his former practice of pillaging the national churches by general impoſitions upon them, he permitted the generals of particular orders, who reſided at Rome, to levy taxes on the ſeveral convents ſubjected to their juriſdiction; and Edward was obliged to enact a law againſt this new abuſe. It was alſo become a practice of the court of Rome to provide ſucceſſors to benefices before they became vacant: Edward found it likewiſe neceſſary to reſtrain by law this new ſource of injuſtice and impoſition.

THE tribute of 1000 marks a year, to which King John, in doing homage to the Pope, had ſubjected the kingdom, had been pretty regularly paid ſince his time, tho' the vaſſalage was conſtantly denied, and indeed, for fear of giving offence, had been but little inſiſted on. The payment was called by a new name of *cenſus*, not by that of tribute. King Edward ſeems to have always paid this money with great reluctance, and he ſuffered it, at one time, to run on for ſix years *, at another for eleven †: But as princes in that age ſtood continually in need of the Pope's good offices, for diſpenſations of marriages and other conceſſions, the court of Rome found always means, ſooner or latter, to catch the money. The levying of firſt fruits was alſo a new device, begun in this reign, by which his holineſs got his fingers very frequently into the purſes of the faithful; and the King ſeems unwarily to have given way to it.

EDWARD had by his firſt wife, Eleanor of Caſtile, four ſons, but Edward his heir and ſucceſſor, was the only one that ſurvived him. She alſo bore him eleven daughters, moſt of whom died in their infancy: Joan was married firſt to the earl of Gloceſter, and after his death, to Ralph de Monthermer; Margaret eſpouſed John duke of Brabant: Elizabeth eſpouſed firſt John earl of Holland: and afterwards the earl of Hereford: Mary was a nun at Ambreſbury. He had by his ſecond wife, Margaret of France, two ſons and a daughter; Thomas created earl of Norfolk, and Mareſchal of England; and Edmond who was created earl of Kent by his brother when King. The princeſs died in her infancy.

IN the former reign the taxes had been partly ſcutages, partly a proportional part of the moveables, granted by parliament: In this, ſcutages were entirely dropt; and the aſſeſſment on moveables was the chief method of taxation. Edward in his fourth year had a fifteenth granted him; in his fifth year a twelfth; in his eleventh year a thirtieth from the laity, a twentieth from the clergy; in

* Rymer, vol. 2. p. 77, 107. † Id. p. 862.

his

his eighteenth year a fifteenth; in his twenty ſecond year a tenth from the laity, a ſixth from London and other corporate towns, half of their benefices from the clergy; in his twenty third year an eleventh from the barons and others, a tenth from the clergy, a ſeventh from the burgeſſes; in his twenty fourth year a twelfth from the barons and others, an eighth from the burgeſſes, from the clergy, nothing, becauſe of the Pope's inhibition; in his twenty fifth year an eighth from the laity, a tenth from the clergy of Canterbury, a fifth from thoſe of York; in his twenty ninth year a fifteenth from the laity, on account of his confirming the perambulation of the foreſts; the clergy granted nothing; in his thirty third year, firſt a thirtieth from the barons and others, and a twentieth from the burgeſſes, then a fifteenth from all his ſubjects; in his thirty fourth year a thirtieth from all his ſubjects for knighting his eldeſt ſon. Chap. XIII. 1307.

THESE taxes were moderate; but the King had alſo duties upon exportation and importation granted him from time to time: The heavieſt was commonly upon wool. Poundage, or a ſhilling a pound, was not regularly granted the Kings for life till the reign of Henry V.

CHAP.

CHAP. XIV.

EDWARD II.

Weakneſs of the King——His paſſion for favourites——Piers Gavaſton——Diſcontent of the barons——Murder of Gavaſton——War with Scotland——Battle of Bannockburn——Hugh le Deſpenſer——Civil commotions——Execution of the earl of Lancaſter——Conſpiracy againſt the King——Inſurrection——The King dethroned——Murdered——His Character——Miſcellaneous tranſactions in this reign.

Chap. XIV. 1307.

THE prepoſſeſſions, entertained in favour of young Edward, kept the Engliſh from being fully ſenſible of the extreme loſs, which they had ſuſtained by the death of the great monarch, who filled the throne; and all men haſtened with alacrity to take the oath of allegiance to his ſon and ſucceſſor. This prince was in the twenty-third year of his age, was of an agreeable figure, of a mild and gentle diſpoſition; and having never diſcovered a propenſity to any dangerous vice, it was very natural to prognoſticate tranquility and happineſs from his government. But the firſt act of his reign blaſted all theſe hopes, and ſhewed him to be totally unqualified for that perilous ſituation, in which every Engliſh monarch during thoſe ages, had, from the unſtable form of the conſtitution, and the turbulent diſpoſitions of the people, derived from it, the misfortune to be placed. The indefatigable Robert Bruce, tho' his army had been diſſipated and he himſelf had been obliged to take ſhelter in the weſtern iſles, remained not long in tranquility; but before the death of the late King, had ſallied from his retreat, had again collected his followers, had appeared in the field, and had obtained by ſurprize an important advantage over Aymer de Valence, who commanded the Engliſh forces *. He was now become ſo conſiderable as to have afforded the King of England ſufficient glory in ſubduing him, without incurring any danger of his ſeeing all thoſe mighty preparations, made by his father, fail in the enterprize. But Edward, inſtead of purſuing his advantages, marched but a little way into Scotland; and having an utter incapacity, and equal averſion for all application or ſerious buſineſs, he immediately returned upon his footſteps, and diſperſed his army. His grandees perceived from this conduct, that the authority

Weakneſs of the King.

* Trivet, p. 346.

of the crown, fallen into ſuch feeble hands, was no longer to be dreaded, and that every inſolence might be practiced by them with impunity. Chap. XIV. 1307.

THE next meaſure, taken by Edward, gave them an inclination to attack thoſe prerogatives, which no longer kept them in awe. There was one Piers Gavaſton, the ſon of a Gaſcon knight of ſome diſtinction, who had honourably ſerved the late King, and who, in reward of his merits, had obtained an eſtabliſhment for his ſon in the family of the prince of Wales. This young man ſoon inſinuated himſelf into the affections of his maſter, by his agreeable behaviout, and by ſupplying him with all thoſe innocent, tho' frivolous amuſements, which ſuited his capacity and his inclinations. He was endowed with the utmoſt elegance of ſhape and perſon, was noted for a fine mien and eaſy carriage, diſtinguiſhed himſelf in all warlike and genteel exerciſes, and was celebrated for thoſe quick ſallies of wit, by which his country is diſtinguiſhed. By all theſe accompliſhments he gained ſo entire an aſcendant over young Edward, whoſe heart was ſtrongly diſpoſed to friendſhip and confidence, that the late King, apprehenſive of the conſequences, had baniſhed him the kingdom, and had, before he died, made his ſon promiſe never to recall him *. But he no ſooner found himſelf maſter, as he vainly imagined, than he ſent for Gavaſton, and even before his arrival at court, endowed him with the whole earldom of Cornwal, which had eſcheated to the crown, by the death of Edmond, ſon of Richard King of the Romans †. Not content with conferring on him thoſe poſſeſſions, which had ſufficed as an appanage for a prince of the blood, he daily loaded him with new honours and riches; married him to his own niece, ſiſter of the earl of Gloceſter ‡, and ſeemed to enjoy no pleaſure in his royal dignity, but as it enabled him to exalt to the higheſt ſplendor this object of his fond affections.

His paſſion for favourites.

Piers Gavaſton.

THE haughty barons, offended at the ſuperiority of a minion, whoſe birth, tho' reputable, they deſpiſed, as much inferior to their own, concealed not their diſcontent; and ſoon found reaſons to juſtify their animoſity in the character and conduct of the man they hated. Inſtead of diſarming envy by the moderation and modeſty of his behaviour, Gavaſton diſplayed his power and influence with the utmoſt oſtentation; and deemed no circumſtance of his good fortune ſo agreeable as its enabling him to eclipſe and mortify all his rivals. He was vainglorious, profuſe, rapacious; fond of exterior pomp and appearance, giddy with proſperity; and as he imagined, that his fortune was now as ſtrongly rooted in the kingdom, as his aſcendant was uncontrouled over the weak monarch, he took

Diſcontent of the barons.

* Walſing. p. 95. Ypod. Neuſt. p. 499. Trivet. cont. p. 2. † Rymer, vol. 3. p. 1. Heming. vol. 1. p. 243. Walſin, p. 96. Ypod. Neuſt. p. 499. Trivet. cont. p. 2. ‡ Heming. vol. 1. p. 245. Ypod. Neuſt. p. 500. T. de la More, p. 593.

no

Chap. XIV. 1307. no farther care of engaging partizans, who might ſupport his ſudden and ill eſtabliſhed grandeur. At all tourneaments, he took delight in foiling the Engliſh nobility, by his ſuperior addreſs: In each converſation, he made them the object of his wit and raillery: Every day his enemies multiplied upon him; and nought was wanting but a little time to cement their union, and render it fatal, both to him and to his maſter §.

It behoved the King to take a journey to France, both in order to do homage for the dutchy of Guienne, and to eſpouſe the princeſs Iſabella, to whom he had long been contracted, tho' unexpected accidents had hitherto retarded the conſummation of the marriage *. Edward left Gavaſton guardian of the realm †, with more ample powers, than had uſually been conferred ‡; and on his return with his young queen, renewed all the proofs of that fond attachment to his favourite, of which every one ſo loudly complained. This princeſs was of an imperious and intriguing ſpirit; and finding, that her huſband's capacity required, as well as his temper inclined, him to be governed, ſhe thought herſelf beſt intitled, on every account, to perform the office, and ſhe contracted a mortal hatred againſt the perſon, who had diſappointed her in theſe expectations. She was well pleaſed, therefore, to ſee a combination of the nobility forming againſt Gavaſton, who, ſenſible of her hatred, had wantonly provoked her by new inſults and injuries.

1308. Thomas, earl of Lancaſter, couſin-german to the King, and firſt prince of the blood, was by far the moſt opulent and powerful ſubject in England, and poſſeſſed in his own right, and ſoon after in that of his wife, heireſs of the family of Lincoln, no leſs than ſix earldoms, with a proportional eſtate in land, attended with all the juriſdictions and power, which commonly in that age were annexed to landed property. He was turbulent and factious in his diſpoſition; mortally hated the favourite, whoſe influence with the King exceeded his own; and he ſoon became the head of that party among the barons, who deſired the depreſſion of this inſolent ſtranger. The confederated nobles bound themſelves by oath, to expel Gavaſton: Both ſides began already to put themſelves in a warlike poſture: The licentiouſneſs of the age broke out in robberies and other diſorders, the uſual preludes of civil war: And the royal authority, deſpiſed in the King's own hands, and hated in thoſe of Gavaſton, became inſufficient for the execution of the laws, and the maintenance of peace in the kingdom. A parliament being ſummoned at Weſtminſter, Lancaſter and his party came thither with an armed retinue; and

§ T. de la More, p. 593. Walſing. p. 97.
† Rymer, vol. 3. p. 47. Ypod. Neuſt. p. 499.
* T. de la More, p. 593. Trivet. cont. p. 3.
‡ Brady's App. N°. 49.

were there enabled to impoſe their own terms on the ſovereign. They required the baniſhment of Gavaſton, impoſed an oath on him never to return, and engaged the biſhops, who never failed to interpoſe in all civil concerns, to pronounce him excommunicate, if he remained any longer in the kingdom *. Edward was obliged to ſubmit †; but even in his compliance, gave proofs of his fond attachment to his favourite. Inſtead of removing all umbrage, by ſending him to his own country, as was expected, he appointed him lord lieutenant of Ireland ‡, attended him to Briſtol on his journey thither, and before his departure conferred on him new lands and riches both in Gaſcony and England §. Gavaſton, who did not want bravery, and poſſeſſed talents for war ‖, acted during his government, with vigour againſt ſome Iriſh rebels, whom he ſubdued. Chap. XIV. 1308.

MEAN-WHILE, the King, leſs ſhocked with the illegal violence which had been impoſed upon him, than unhappy in the abſence of his minion, employed every expedient to ſoften the oppoſition of the barons to his return; as if ſucceſs in that point were the chief object of his government. The high office of hereditary ſteward was conferred on Lancaſter: His father-in-law, the earl of Lincoln, was bought off by other conceſſions: Earl Warrenne was alſo mollified by civilities, grants, or promiſes: The inſolence of Gavaſton, being no longer before men's eyes, was leſs the object of general indignation: And Edward, deeming matters ſufficiently prepared for his purpoſe, applied to the court of Rome, and obtained a diſpenſation from that oath, which the barons had compelled Gavaſton to take, that he would abjure for ever the realm ⊥. He went down to Cheſter, to receive him on his firſt landing from Ireland; flew into his arms with tranſports of joy; and having obtained the formal conſent of the barons in parliament to his re-eſtabliſhment, ſet no longer any bounds to his extravagant fondneſs and affection. Gavaſton himſelf, forgetting his paſt misfortunes, and blind to their cauſes, reſumed the ſame oſtentation and inſolence; and became more than ever the object of general deteſtation among the barons.

THE nobility firſt diſcovered their animoſity by abſenting themſelves from parliament; and finding, that this expedient had not been ſucceſsful, they began to think of employing ſharper and more effectual remedies. Tho' there had ſcarce been any other national ground of complaint, except ſome diſſipation of the public treaſure: Tho' all the acts of mal-adminiſtration, objected to the King, and his favourite, ſeemed of a nature more proper to excite heart burnings in a ball or aſſembly, than commotions in a great kingdom: Yet ſuch was the ſituation of

* Trivet, cont. p. 5. † Rymer, vol. 3. p. 80. ‡ Rymer, vol. 3. p. 92. Murimuth, p. 39. § Rymer, vol. 3. p. 87. ‖ Heming. vol. 1. p. 248. T. de la More, p. 593. ⊥ Rymer, vol. 3. p. 167.

Chap. XIV. 1308. the times, that the barons were determined, and were able, to make them the reaſons of a total alteration in the conſtitution and civil government. Having 7th February. come to parliament, in defiance of the laws and the King's prohibition, with a numerous retinue of armed followers, they found themſelves entirely maſters; and preſented a petition, which was equivalent to a command, requiring Edward to devolve on a choſen junto the whole authority both of the crown and of the 16th March. parliament. The King was obliged to ſign a commiſſion, empowering the prelates and barons to elect twelve perſons, who ſhould, till the term of Michaelmas in the year following, have authority to enact ordinances for the government of the kingdom, and the regulation of the King's houſhold; conſenting that theſe ordinances ſhould thenceforth and for ever have the force of laws and ſtatutes; allowing the ordainers to form aſſociations among themſelves, and their friends, for their ſtrict and regular obſervance; and all this for the greater glory of God, the ſecurity of the church, and the honour and advantage of the king and kingdom *. The barons in return ſigned a declaration, in which they acknowledged, that they owed theſe conceſſions merely to the King's free bounty; promiſed that this ſhould never be drawn into precedent; and engaging, that the power of the ordainers ſhould expire at the term appointed †.

1311. THE choſen junto of twelve accordingly framed their ordinances, and preſented them to the King and parliament, for their confirmation in the enſuing year. Some of theſe ordinances were laudable, and tended to the regular execution of juſtice: ſuch as thoſe, requiring ſheriffs to be men of property, aboliſhing the practices of iſſuing privy ſeals for the ſuſpenſion of juſtice, reſtraining the practice of purveyance, prohibiting the adulteration or alteration of the coin, excluding foreigners from the farms of the revenue, ordering all payments to be regularly made into the exchequer, revoking all late grants of the crown, and giving the parties damages in the caſe of vexatious proſecutions. But what chiefly grieved the King was the ordinance for the removal of evil counſellors, by which a great number of perſons were by name excluded from every office of power and profit; and Piers Gavaſton himſelf was for ever baniſhed the King's dominions, under the penalty, in caſe of diſobedience, of being declared a public enemy. Other perſons, more agreeable to the barons, were ſubſtituted in all the offices. And it was ordained, that, for the future, all the conſiderable dignities in the houſhold, as well as in the law, revenue, and military governments, ſhould be appointed by the *baronage* in parliament; and the power of making

* Brady's App. Nº. 50. Heming. vol. 1. p. 247. Walſing. p. 97. Ryley, p. 526. † Brady's App. Nº. 51.

war,

war, or assembling his military tenants, should no longer be solely vested in the King, nor be exercised without the consent of the nobility. Chap. XIV. 1311.

EDWARD, from the same weakness both of his temper and situation, which had engaged him to grant this unlimited commission to the barons, was led to give a parliamentary sanction to their ordinances: But as a consequence of the same character, he *secretly* made a protest against them, and declared, that, since the commission was granted only for the making of ordinances to the advantage of the King and kingdom, such articles, as should be found prejudicial to both, were to be held as not ratified and confirmed *. It is no wonder, indeed, that he retained a firm purpose to revoke ordinances, which had been imposed on him by violence, which entirely annihilated the royal authority, and above all, which deprived him of the company and society of a person, whom, by an unusual infatuation, he valued above all the world, and above every other consideration of interest or tranquility.

So soon, therefore, as Edward, removing to York, had freed himself from the immediate terror of the baron's power, he invited back Gavaston from Flanders, which that favourite had made the place of his retreat; and declaring his banishment to be illegal, and contrary to the laws and customs of the kingdom †, openly re-instated him in his former credit and authority. The barons, highly provoked at this disappointment, and apprehensive of danger to themselves from the declared animosity of so powerful a minion, saw, that, either his or their ruin was now inevitable; and they renewed with redoubled zeal their former confederacies against him. The earl of Lancaster was a dangerous head of this alliance: Guy, earl of Warwic, entered into it with a furious and precipitate passion: Humphrey Bohun, earl of Hereford, the constable, and Aymer de Valence, earl of Pembroke, brought to it a great accession of power and interest: Even earl Warrenne deserted the royal cause, which he had hitherto supported, and was induced to embrace the side of the confederates ‡: And as Robert de Winchelsey, archbishop of Canterbury, declared himself of the same party, he determined the body of the clergy, and consequently the people, to declare against the King and his minion. So predominant, at that time, was the power of the great nobility, that the combination of a few of them was always able to shake the throne, and such an universal concurrence became irresistible. The earl of Lancaster suddenly raised an army, and marched to York, where he found the King already removed to Newcastle §: He flew thither in pursuit of him; 1312.

* Ryley's Placit. Parl. p. 530, 541. † Brady's App. N°. 53. Walsing. p. 98. ‡ Trivet, cont. p. 4. § Walsing. p. 101.

Chap. XIV. 1312. and Edward had juſt time to eſcape to Tinmouth, where he embarked, and ſailed with Gavaſton to Scarborough. He left his favourite in that fortreſs, which, had it been properly ſupplied with proviſions, was deemed impregnable; and he marched forward to York, in hopes of raiſing an army, which might be able to ſupport him againſt his enemies. Pembroke was ſent by the confederates to beſiege the caſtle of Scarborough; and Gavaſton, ſenſible of the bad condition of his garriſon, was obliged to capitulate with the enemy, and ſurrender himſelf priſoner *. He ſtipulated, that he ſhould remain in Pembroke's hands for two months; that endeavours ſhould, during that time, be mutually uſed for a general accommodation; that if the terms propoſed by the barons were not accepted, the caſtle ſhould be reſtored to him in the ſame condition as when he ſurrendered it; and that the earl of Pembroke and Henry Piercy ſhould, by contract, pledge all their lands for the fulfilling of theſe conditions †. Pembroke, now maſter of the perſon of this public enemy, conducted him to the caſtle of Dedington, near Banbury; where, under pretence of other buſineſs, he left him protected by a a feeble guard ‡. Warwic, probably in concert with Pembroke, attacked the caſtle: The guards refuſed to make any reſiſtance: Gavaſton was yielded up to him, and conducted to Warwic caſtle: The earls of Lancaſter, Hereford, and Arundel, immediately repaired thither §: And without any regard, either to the laws or the military capitulation, they ordered the head of this obnoxious favourite to be ſtruck off, by the hands of the executioner ‖.

19th May.

Murder of Gavaſton. 1ſt July.

THE King was retired northward to Berwic, when he heard of Gavaſton's murder; and his reſentment was proportioned to the affection which he had ever borne him, while living. He threatened vengeance on all the nobility, who had been active in that bloody ſcene, and he made preparations for war in all parts of England. But being leſs conſtant in his enmities than in his friendſhips, he ſoon after hearkened to terms of accommodation; granted the barons a pardon for all offences; and as they ſtipulated to aſk him publicly pardon on their knees ⊥, he was ſo pleaſed with theſe vain appearances of exterior ſubmiſſion, that he ſeemed to have ſincerely forgiven them all paſt injuries. But as they ſtill pretended, notwithſtanding their lawleſs conduct, a great anxiety for the maintenance of law; and required the eſtabliſhment of their former ordinances as a neceſſary ſecurity for that purpoſe; Edward told them, that he was willing to grant them a free and legal confirmation of ſuch of theſe ordinances as were not entirely deroga-

* Walſin. p. 101. † Rymer, vol. 2. p. 324. ‡ T. de la More, p. 593. § Dudg. Baron. vol. 2. p. 44. ‖ Walſin. p. 101. T. de la More, p. 593. Trivet, cont. p. 9. ⊥ Ryley, 538. Rymer, vol. 3. p. 366.

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tory to the prerogatives of the crown. This anſwer was received for the preſent as ſatisfactory. The King's perſon, after the death of Gavaſton, was now become leſs obnoxious to the public; and as the ordinances, inſiſted on, appeared to be nearly the ſame with thoſe, who had been formerly extorted from Henry III. by Mountfort, and which had been attended with ſo many fatal conſequences, they were, on that account, demanded with leſs vehemence by the nobility and people. The minds of all men ſeemed to be much appeaſed towards each other: The animoſities of faction no longer prevailed: And England, now united under its head, would henceforth be able, it was hoped, to take vengeance on all its enemies; particularly on the Scots, whoſe progreſs was the object of general reſentment and indignation. Chap. XIV. 1321.

IMMEDIATELY after Edward's retreat from Scotland, Robert Bruce left his faſtneſſes, in which he intended to have ſheltered his feeble force; and ſupplying his defect of power by ſuperior vigour and abilities, he made deep impreſſions on all his enemies, foreign and domeſtic. He chaced the lord Argyle and the chieftain of the Macdonalds from their hills, and made himſelf entirely maſter of the high country: He thence invaded with ſucceſs the Cummins in the low countries of the north: He took the caſtles of Inverneſs, Forfar, and Brechin: He gained daily ſome new acceſſion of territory; and what was a more important acquiſition, he daily reconciled the minds of the nobility to his dominion, and enliſted under his ſtandard every bold leader, whom he enriched by the ſpoils of his enemies. Sir James Douglas, in whom commenced the greatneſs and renown of that warlike family, ſeconded him in all his enterprizes: Edward Bruce, Robert's own brother, diſtinguiſhed himſelf by actions of valour: And the terror of the Engliſh power being now abated by the feeble conduct of the King, even the leaſt ſanguine of the Scots began to entertain hopes of recovering their independancy; and the whole kingdom, except a few ſtrong fortreſſes, which he had not the means to attack, had acknowleged the authority of Robert. War with Scotland.

IN this ſituation, Edward found it neceſſary to grant a truce to Scotland; and Robert ſucceſsfully employed this interval in conſolidating his power, and introducing order into the civil government, disjointed by ſuch a long continuance of war and factions. The interval was very ſhort: The truce, ill obſerved on both ſides, was at laſt openly violated; and war recommenced with greater fury than ever. Robert, not contented with defending himſelf, made ſucceſsful inroads into England, ſubſiſted his needy followers by the plunder of that country, and taught them to deſpiſe the military genius of a nation, who had long been the object of their terror. Edward at laſt, rouzed from his lethargy, conducted an army into Scotland; and Robert, determined not to riſque too much againſt an enemy

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Chap. XIV. 1312. so much superior, retired again into his mountains. The King advanced beyond Edinburgh; but being destitute of provisions, and being ill supported by the English nobility, who were then employed in framing their ordinances, he was soon obliged to return home, without gaining any advantage over the enemy. But the appearing union of all the parties in England, after the death of Gavaston, seemed to restore that kingdom to its native force, opened again the prospect of subjecting Scotland, and promised a happy conclusion to a war, in which both the interests and passions of the nation were so deeply concerned.

1314. EDWARD assembled forces from all quarters, with a view of finishing by one blow this important enterprize. He summoned the most warlike of his vassals from Gascony: He inlisted troops from Flanders and other foreign countries: He invited over great numbers of the disorderly Irish as to a certain prey: He joined to them a body of the Welsh, who were actuated by like motives: And assembling the whole military force of England, he marched to the frontiers with an army which according to the Scots writers amounted to an hundred thousand men, but which was probably much inferior to that number *.

THE army, collected by Robert, exceeded not thirty thousand combatants; but being composed of men, who had distinguished themselves by many acts of valour, who were rendered desperate by their situation, and who were enured to all the varieties of fortune, they might justly, under such a leader, be deemed formidable to the most numerous and best appointed armies. The castle of Stirling, which, with Berwic, was the only fortress of Scotland, that remained in the hands of the English, had been long besieged by Edward Bruce; and Philip de Mowbray, the governor, after an obstinate defence, was at last obliged to capitulate, and to promise that if, before a certain day, which was now approaching, he was not relieved, he should open his gates to the enemy †. Robert therefore, sensible, that here was the ground on which he must expect the English, chose the field of battle with all the skill and prudence imaginable, and made the necessary preparations for their reception. He posted himself at Bannockburn, about two miles from Stirling: where he had a hill on his right flank, and a morass on his left: And not content with having taken these precautions to prevent his being surrounded by the more numerous army of the English; he forsaw the superior strength of the enemy in cavalry, and made provisions against it. Having a rivulet in front, he commanded deep pits to be dug along its

* We find in Rymer, vol. 3. p. 481. a list of all the infantry assembled from all parts of England and Wales; and they are only 21540. It is not likely therefore that the whole army could be near so numerous as is reported. † Rymer, vol. 3. p. 481.

banks, and sharp stakes to be planted in them, and he ordered the whole to be carefully covered over with turf *. The English arrived in sight on the evening, and a bloody conflict immediately ensued between two bodies of cavalry; where Robert, who was at the head of the Scots, engaged in single combat with Henry de Bohun, a gentleman of the family of Hereford; and at one stroke cleft his adversary to the chin with a battle ax, in sight of the two armies. The English horse fled with precipitation to their main body. Chap. XIV. 1314.

The Scots, encouraged by this favourable event, and glorying in the valour of their prince, prognosticated a happy issue to the combat on the ensuing day: The English, confident in their numbers, and elated with past successes, longed for an opportunity of revenge: And the night, tho' extremely short in that season and in that climate, appeared tedious to the impatience of the several combatants. Early in the morning, Edward drew out his army, and advanced towards the Scots. The earl of Gloucester, his nephew, who commanded the left wing of cavalry, impelled by the ardour of youth, rushed on to the attack without precaution, and fell among the covered pits, which had been prepared by Bruce for the reception of the enemy †. This body of horse was disordered: Gloucester himself was overthrown and slain: Sir James Douglas, who commanded the Scottish cavalry, gave the enemy no leisure to rally, but pushed them off the field with considerable loss, and pursued them in sight of their whole line of infantry. While the English army were alarmed with this unfortunate beginning of the action, which commonly proves decisive, they observed an army on the heights towards their left, which seemed to be marching leisurely in order to surround them; and they were distracted by their multiplied fears. This was a number of waggoners and sumpter boys, whom Robert had collected together; and having supplied them with military standards, gave them the appearance at a distance of a formidable army. The stratagem took effect: A panic seized the English: They threw down their arms and fled: They were pursued with great slaughter, for the space of eighty miles, till they reached Berwic: And the Scots, besides an inestimable booty, took many persons of quality prisoners, and above 400 gentlemen, whom Robert treated with great humanity ‡, and whose ransom was a new accession of wealth to the victorious army. The King himself very narrowly escaped by taking shelter in Dunbar, whose gates were opened to him by the earl of March; and he thence passed by sea to Berwic. Battle of Bannockburn. 25th June.

Such was the great and decisive battle of Bannockburn, which secured the independancy of Scotland, fixed Bruce on the throne of that kingdom, and may be deemed the greatest overthrow, which the English monarchy, since the con-

* T. de la More. p. 594. † T. de la More. p. 594. ‡ Ypod. Neust. p. 501.

quest,

Chap. XIV. 1314. queſt, has ever received. The numbers of ſlain on theſe occaſions are always uncertain, and are commonly much magnified by the victors: But this defeat made a deep impreſſion on the minds of the Engliſh; and it was remarked, that, for ſome years, no ſuperiority of numbers could encourage them to keep the field againſt the Scots*. Robert, to make advantage of his preſent ſucceſs, broke into England, and ravaged all the northern counties without oppoſition: He beſieged Carliſle, tho' that place was ſaved by the valour of Sir Andrew Harcla, the governor: He was more ſucceſsful againſt Berwic, which he took by aſſault†: And Robert, elated by his continued proſperity, entertained hopes of making the 1315. moſt important conqueſts on the Engliſh. He ſent over his brother Edward, with an army of 6000 men, into Ireland; and that nobleman aſſumed the title of King of Ireland‡: He followed ſoon after himſelf with more numerous forces: The horrible and abſurd oppreſſions, which the Iriſh ſuffered under the Engliſh government, made them, at firſt, fly to the ſtandard of the Scots, whom they regarded as their deliverers: But a grievous famine, which at that time laid deſolate both Ireland and Britain, reduced the Scottiſh army to the greateſt extremities; and Robert was obliged to return, with his forces much diminiſhed, into his own country. His brother, after having experienced a variety of fortune, was defeated and ſlain near Dundalk by the Engliſh, commanded by lord Bermingham§: And theſe projects, too extenſive for the force of the Scottiſh nation, thus vaniſhed into ſmoke.

THE King, beſides ſuffering thoſe diſaſters from the invaſion of the Scots and the inſurrection of the Iriſh, was alſo infeſted with a rebellion in Wales‖; and above all by the factions of his own nobility, who took advantage of the public calamities, inſulted his fallen fortunes, and endeavoured to eſtabliſh their own independance on the ruins of the throne. Lancaſter and the barons of his party, who had declined attending Edward on his Scottiſh expedition, no ſooner ſaw him return with diſgrace, than they inſiſted on the renewal of their ordinances, which they ſtill pretended to have vaidity; and the King's unhappy condition obliged him to ſubmit to their demands. The miniſtry was new modeled by the direction of Lancaſter¶: That nobleman was placed at the head of the council: It was declared, that all the offices ſhould be filled, from time to time, by the votes of parliament, or rather, by the will of the great barons*: And the nation, under this new model of government, endeavoured to put itſelf in a better

* Walſing. p. 106. † T. de la More. p. 594. Murimuth, p. 53. ‡ Trevet, cont. p. 28. § Rymer, vol 3. p. 767, 777. Walſing. p. 3. Ypod. Neuſt. p. 503 T. de la More. p. 594 Trivet, cont. p. 29. ‖ Rymer, vol. 3. p. 553. ¶ Ryley, p. 560. Rymer, vol. 3. p. 722. * Brady, vol. 2. p. 122. from the records, app. N°. 61. Ryley, p. 560.

poſture

posture of defence against the Scots. But the factious nobles were far from being terrified with the progress of these public enemies: On the contrary, they founded the hopes of their own future grandeur on the weakness and distresses of the crown: Lancaster himself was suspected, with great appearance of reason, of holding a secret correspondence with the King of Scots: And tho' he was himself entrusted with the command of the English armies, he took care that every enterprize should be disappointed, and every plan of operations prove unsuccessful. Chap. XIV. 1315.

All the European kingdoms, especially that of England, were at this time totally unacquainted with the office of a prime minister, so well understood at present in all regular monarchies; and the people could form no conception of a man, who, tho' still in the rank of a subject, possessed all the power of a sovereign, eased the prince of the burthen of affairs, supplied his want of experience or capacity, and maintained all the rights of the crown, without degrading the greatest nobles by their submission to his temporary authority. Edward was plainly by nature unfit to hold himself the reins of government: He had no vices; but was unhappy in a total incapacity for serious business: He was sensible of his own defects, and necessarily sought to be governed: Yet every favourite, whom he successively chose, was regarded as a fellow subject, exalted above his rank and station: He was the object of envy to the great nobility: His character and conduct were decryed with the people: His authority over the king and kingdom was considered as an usurpation: and unless the prince had embraced the dangerous expedient, of devolving his power on the earl of Lancaster or some mighty barons, whose family interest was so extensive as to be able alone to maintain his influence, he could expect no peace nor tranquillity upon the throne.

The King's chief favourite, after the death of Gavaston, was Hugh le D'espenser or Spenser, a young man of English birth, of high rank, and of a noble family *. He possessed all the exterior accomplishments of person and address, which were fitted to engage the weak mind of Edward; but was devoid of that moderation and prudence, which might have qualified him to mitigate the envy of the great, and conduct him thro' all the perils of that dangerous station, to which he was advanced. His father, who was of the same name, and who, by means of his son, had also attained great influence over the King, was a nobleman venerable from his years, respected thro' all his past life for wisdom, valour, and integrity, and well fitted by his talents and experience, could affairs have admitted of any temperament, to have supplied the defects both of the King Hugh le D'espenser.

* Dugd. Baron. vol. 1. p. 389.

Chap. XIV. 1315. and of his minion*. But no ſooner was Edward's attachment declared for young Spenſer, than the turbulent Lancaſter, and moſt of the great barons, regarded him as their rival, made him the object of their animoſity, and formed violent plans for his ruin†. They firſt declared their diſcontent by withdrawing from parliament; and it was not long ere they found a pretence for proceeding to greater extremities againſt him.

1321. Civil commotions.

THE King, who ſet no limits to his bounty towards his minions, had married the younger Spenſer to his niece, one of the co-heirs of the earl of Gloceſter, ſlain at Bannockburn; and the favourite, by his ſucceſſion to that opulent family, had inherited great poſſeſſions in the marches of Wales‡, and being deſirous of extending ſtill farther his influence in thoſe quarters, he is accuſed of having committed injuſtice towards the barons of Audley and D'ammori, who had alſo married two ſiſters of the ſame family. There was likewiſe a baron in that neighbourhood, called William de Braouſe, lord of Gower, who had made a ſettlement of his eſtate on John de Mowbray, his ſon in law; and in caſe of failure of that nobleman and his iſſue, had ſubſtituted the earl of Hereford, in the ſucceſſion to the barony of Gower. Mowbray, on the deceaſe of his father in law, entered immediately into poſſeſſion of the eſtate, without the formality of taking livery and ſeizin from the crown; and Spenſer, who coveted that barony, perſuaded the King to put in execution the rigor of the feudal law, to ſeize Gower as eſcheated to the crown, and to confer it upon him§. This tranſaction, which was the proper ſubject of a law-ſuit, immediately excited a civil war in the kingdom. The earls of Lancaſter and Hereford flew to arms: Audley and D'ammori joined them with all their forces: The two Rogers de Mortimer and Roger de Clifford, with many others, diſguſted for private reaſons with the Spenſers, brought a conſiderable acceſſion to the party: And their army being now formidable, they ſent a meſſage to the King, requiring him immediately to diſmiſs or confine the younger Spenſer; and menacing him, in caſe of refuſal, with renouncing their homage and allegiance to him, and taking revenge on that miniſter by their own authority. They ſcarce waited for an anſwer; but immediately fell upon the lands of young Spenſer, which they pillaged and deſtroyed; murdered his ſervants, drove off his cattle, and burned his houſes‖. They proceeded thence to commit like devaſtations on the eſtates of Spenſer, the father, whoſe character hitherto they had ſeemed to reſpect. And having drawn and ſigned a formal

* T. de la More. p. 594. † Walſing. p. 113. T. de la More. p. 595. Murimuth, p. 55.
‡ Trivet, cont. p. 25. § Monach. Malmes. ‖ Murimuth, p. 55.

aſſociation

association among themselves *, they marched up to London with all their forces, stationed themselves in the neighbourhood of that city, and demanded of the King the banishment of both the Spensers. These noblemen were then absent; the father abroad; the son at sea; and both of them employed in different commissions: The King, therefore replied, that his coronation oath, by which he was bound to observe the laws, restrained him from giving his assent to so illegal a demand, or condemning noblemen who were accused of no crime, nor had any opportunity afforded them of making answer †. Equity and reason were but a feeble opposition to men, who had arms in their hands, and who, being already involved in guilt, saw no safety but in success and victory. They entered London with their troops; and giving in to the parliament, which was then sitting, a charge against the Spensers, of which they attempted not to prove one article, they procured, by menaces and violence, a sentence of perpetual exile and forfeiture against these ministers ‡. This sentence was voted by the lay barons alone: For the commons, tho' now an estate in parliament, were yet of so little consideration, that their assent was never demanded; and even the voice of the prelates was neglected amidst the present disorders. The only symptom, which these turbulent barons gave of their regard to law, was their requiring from the King an indemnity for their illegal proceedings §; after which, they disbanded their army, and separated, in security, as they imagined, to their several castles.

This act of violence, in which the King was obliged to acquiesce, rendered his person and his authority so contemptible, that every one thought himself entitled to treat him with neglect. The queen, having occasion soon after to pass by the castle of Leeds in Kent, which belonged to the lord Badlesmere, desired a night's lodging; but was refused admittance, and some of her attendants, who presented themselves at the gate, were killed ‖. The insult and brutality towards this princess, who had always endeavoured to live on good terms with the barons, and who joined them heartily in their hatred of the younger Spenser, was an action which no body pretended to vindicate; and the King thought, that he might, without giving general umbrage, assemble an army, and take vengeance on the offender. No one came to the assistance of Badlesmere; and Edward prevailed ⸸: But having now some forces on foot, and having concerted measures with his friends throughout England, he ventured to take off the mask, to attack all his enemies, and to recal the two Spensers, whose sentence he declared

* Tyrrel, vol. 2. p. 280, from the register of C. C. Canterbury. † Walsing. p. 114.
‡ Totle's collect. part. 2. p. 50. Walsing. p. 114. § Tottle's collect. part. 2. p. 54. Rymer, vol. 3. p. 891. ‖ Rymer, vol. 3. p. 89. Walsing. p. 114, 115. T. de la More p 595. Murimuth, p. 56. ⸸ Walsing. p. 115.

illegal,

Chap. XIV. 1321. illegal, unjuſt, contrary to the tenor of the great charter, paſſed without the aſſent of the prelates, and extorted by violence from him and the eſtate of barons *. Still the commons were not mentioned by either party.

1322. THE King had now got the ſtart of his adverſaries; an advantage, which, in thoſe times, was commonly deciſive: And haſtened with his army to the marches of Wales, the chief ſeat of the enemies power, whom he found totally unprepared for reſiſtance. Many of the barons in thoſe parts endeavoured to appeaſe him by ſubmiſſion †: Their caſtles were ſeized, and their perſons committed to cuſtody. But Lancaſter, in order to prevent the total ruin of his party, ſummoned together all his vaſſals and retainers; declared his alliance with Scotland, which had long been ſuſpected; received the promiſe of a reinforcement from that country under the command of Randolf, earl of Murray, and Sir James Douglas ‡; and being joined by the earl of Hereford, advanced with all his forces againſt the King, who had collected an army of 30,000 men, and was ſuperior to his enemies. Lancaſter poſted himſelf at Burton upon Trent, and endeavoured to defend the paſſages of the river §: But being diſappointed in that plan of operations; this nobleman, who had no military genius, and whoſe perſonal courage was even ſuſpected, fled with his army to the north, in expectation of being there joined by his Scottiſh allies ‖. He was purſued by the King; and his army diminiſhed daily; till he came to Boroughbridge, where he found Sir Andrew Harcla poſted with ſome forces on the oppoſite ſide of the river, and ready to diſpute the paſſage with him. He was repulſed in an attempt which he
16th March. made to force his way; the earl of Hereford was killed; the whole army of the rebels was diſconcerted; Lancaſter himſelf was become incapable of taking any meaſures either for flight or defence; and he was ſeized without reſiſtance by Harcla, and conducted to the King ⸸. In thoſe violent times, the laws were ſo much neglected on both ſides, that, even where they might, without any ſenſible inconvenience, have been obſerved, the conquerors deemed it unneceſſary to pay any regard to them. Lancaſter, who was guilty of open rebellion, and was taken in arms againſt his ſovereign, inſtead of being tried by the laws of his country, which pronounced the ſentence of death againſt him, was condemned by a court-martial *, and led to execution. Edward, however little vindictive in his natu-
23d March. Execution of the earl of Lancaſter. ral temper, here indulged his revenge, and practiſed againſt the priſoner the ſame indignities, which had been exerciſed by his orders againſt Gavaſton. He was

* Rymer, vol. 3. p. 907. T. de la More, p. 595. † Walſing. p. 115. Murimuth, p. 57. ‡ Rymer, vol. 3. p. 958. § Walſing. p. 115. ‖ Ypod, Neuſt. p. 504. ⸸ T. de la More, p. 596. Walſing. p. 116. * Tyrrel, vol. 2. p. 291. from the Records.

cloathed

cloathed in a mean attire, placed on a lean jade without a bridle, a hood was put on his head, and in this poſture, attended by the acclamations of the people, this prince was conducted to an eminence near Pomfret, one of his own caſtles, and there beheaded *. Chap. XIV. 1322.

THUS periſhed Thomas earl of Lancaſter, the firſt prince of the blood, and one of the moſt potent barons who had ever been in England. His public conduct ſufficiently diſcovers the violence and turbulency of his character: His private deportment appears not to have been more innocent †: And his hypocritical devotion, by which he gained the favour of the monks and populace, will rather be regarded as an aggravation than an alleviation of his guilt ‡. Badleſmere, Giffard, Barret, Cheyney, Fleming, and about eighteen of the moſt notorious offenders, were afterwards condemned by a legal trial and were executed §. Many were thrown into priſon: Others made their eſcape beyond ſea: Some of the King's ſervants were rewarded from the forfeitures: Harcla received for his ſervices the earldom of Carliſle ‖, and a large eſtate, which he ſoon after forfeited with his life, for a treaſonable correſpondence with the King of Scotland ⊥. But the greateſt part of all thoſe vaſt eſcheats was ſeized by young Spenſer, whoſe rapacity was inſatiable *. Many of the barons of the King's party were diſguſted with this partial diviſion of the ſpoils: The envy againſt Spenſer roſe higher than ever: The uſual inſolence of his temper, raiſed by ſucceſs, impelled him to commit many acts of violence †. The people, who always hated him, made him ſtill more the object of their averſion: All the relations of the attainted barons and gentlemen ſecretly vowed revenge: And tho' tranquility was in appearance reſtored to the kingdom, the general contempt of the King and odium againſt Spenſer, bred dangerous humours, the ſource of future revolutions and convulſions.

IN this ſituation no ſucceſs could be expected from foreign wars; and Edward, after making one more fruitleſs attempt againſt Scotland, whence he retreated with diſhonour, found it neceſſary to terminate hoſtilities with that kingdom, by a truce of thirteen years ‡: Robert, tho' his title to the crown was not acknowledged in the treaty, was ſatisfied with enſuring his poſſeſſion of it during ſo long a time. He had repelled with gallantry all the attacks of England: He had ſucceſsfully carried war both into that kingdom and into Ireland: He had reject-

* Leland's Coll. vol. 1. p. 668. † Knyghton, p. 2540. ‡ Hidgen, lib. 7. cap. 42. § T. de la More, p. 596. ‖ Rymer, vol. 3 p. 943. Walſing. p. 118. ⊥ Rymer, vol. 3. p. 988, 994, 999. vol. 4. p. 4. Walſing. p 118. Ypod Neuſt. p. 505. * Dudg. vol. 1. p. 393. † Dudg. vol. 1. p. 393. T. de la More, p. 597. ‡ Rymer, vol. 3. p. 1022. Murimuth, p. 60.

ed

Chap. XIV. 1323. ed with disdain the Pope's authority, who pretended to impose his commands upon him, and oblige him to make peace with his enemies: His throne was firmly established, as well in the affections of his subjects, as by force of arms: Yet there naturally remained some inquietude in his mind, while at war with a state, which, however at present disordered by faction, was of itself so much an over-match for him both in riches and in numbers of people. And this truce was, at the same time, the more convenient for England; because the nation was in that juncture threatened with hostilities from France.

1324. PHILIP the Fair, King of France, who died in 1315, had left the crown to his son Lewis Hutin, who, after a short reign, dying without male issue, was succeeded by Philip the Long, his brother, whose death soon after made way for Charles the Fair, the youngest brother of that family. This monarch had some reasons of complaint against the King's ministers in Guienne; and as there was no common nor equitable judge in that strange species of sovereignty, established by the feudal law, he seemed desirous to take advantage of Edward's weakness, and under that pretence, to confiscate all his foreign dominions †. After an embassy by the earl of Kent, the King's brother, had been tried in vain, Queen Isabella obtained permission to go over to Paris, and endeavour to adjust, in an amicable manner, the difference with her brother ‡: But while she was making some progress in this negotiation, Charles started a new pretension, the justice of which could not be disputed, that Edward himself should appear in his court, and do the homage of a vassal for the fees which he held in France §. But there occurred many difficulties in complying with this demand. Young Spenser, by whom the King was implicitly governed, had unavoidably been engaged in many quarrels with the Queen, who aspired to the same authority; and tho' that artful princess, on her leaving England, had dissembled her animosity ‖, Spenser, well acquainted with her secret sentiments, was unwilling to attend his master to Paris, and appear in a court, where her credit might expose him to insults, if not to danger. He hesitated no less on allowing the King to make the journey alone; both fearing, lest that easy prince should in his absence fall under some other influence, and foreseeing the perils, to which he himself should be exposed, if, without the protection of the royal authority, he remained in England, where he was
1325. so generally hated. While these doubts bred delays and difficulties, Isabella proposed, that Edward should resign the dominion of Guienne to his son, now thir-

† Rymer, vol. 4. p. 74, 98. ‡ Rymer, vol. 4. p. 140. Murimuth, p. 63. § T. de la More, p. 596. Walsin. p. 117. Ypod. Neust. p. 505. Murimuth, p. 60. ‖ Rymer, vol. 4. p. 194.

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teen years of age; and that the prince ſhould come to Paris, and do the homage which every vaſſal owed to his ſuperior lord *. This expedient, which ſeemed ſo happily to remove all difficulties, was immediately complied with: Spenſer was charmed with the contrivance: Young Edward was ſent to Paris: And the ruin, covered under this fatal ſnare, was never perceived, nor ſuſpected by any of the Engliſh council. Chap. XIV. 1324.

THE Queen, on her arrival in France, had found there a great number of Engliſh fugitives, the remains of the Lancaſtrian faction; and their common hatred of Spenſer, ſoon bred a ſecret friendſhip and correſpondence between them and that princeſs. Among the reſt was young Roger Mortimer, a potent baron in the Welſh marches, who had been obliged, with others, to make his ſubmiſſion to the King, had been condemned for high treaſon; but having received a pardon for his life, was afterwards detained in the Tower, with an intention of rendering his impriſonment perpetual. He was ſo fortunate as to make his eſcape into France †; and being one of the moſt conſiderable perſons now remaining of the party, as well as diſtinguiſhed by his violent animoſity againſt Spenſer, he was eaſily admitted to pay his court to Queen Iſabella. The graces of his perſon and addreſs advanced him quickly in her affections: He became her confident and counſellor in all her meaſures: And gaining daily ground upon her heart, he engaged her to ſacrifice at laſt, to her paſſion, all the ſentiments of honour and of fidelity to her huſband ‡. Hating now the man, whom ſhe had injured, and whom ſhe never valued, ſhe entered cordially into all Mortimer's conſpiracies; and having artfully got into her hands the young prince, and heir of the monarchy, ſhe reſolved on the utter ruin of the King, as well as of his favourite. She engaged her brother to enter into this criminal purpoſe: Her court was daily full of the exiled barons: Mortimer lived in the moſt declared intimacy with her: A correſpondence was ſecretly carried on with the malecontent party in England: And when Edward, informed of theſe alarming circumſtances, required her ſpeedily to return with the prince, ſhe publicly replied, that ſhe never would ſet foot in the kingdom, till Spenſer was forever removed from his preſence and councils: A declaration, which procured her great popularity in England, and threw a decent veil on all her treaſonable enterprizes. Conſpiracy againſt the King.

EDWARD endeavoured to put himſelf in a poſture of defence §; but, beſides the difficulties ariſing from his own indolence and ſlender abilities, and the want of authority, which of conſequence attended all his reſolutions, it was not eaſy

* Rymer, vol. 4. p. 163, 164, 165. Walſin. p. 120. T. de la More, p. 597. Murimuth, p. 64.
† Rymer, vol. 4, p. 7, 8, 20. T. de la More, p. 596. Walſing. p. 120. Ypod. Neuſt. p. 506.
‡ T. de la More, p. 598. Murimuth, p. 65. § Rymer, vol. 4. p. 184, 188, 225.

Chap. XIV. 1325. for him, in the preſent ſtate of the kingdom and revenue, to maintain a conſtant force, ready to repell an invaſion, which he knew not at what time or place he had reaſon to expect. All his efforts were unequal to the traiterous and hoſtile Inſurrection. conſpiracies, which both at home and abroad were forming againſt his authority, and which were daily penetrating farther even into his own family. His brother, the earl of Kent, a virtuous but weak prince, who was then at Paris, was unwarily engaged by his ſiſter-in law, and by the King of France, who was alſo his couſin german, to give countenance to the invaſion, whoſe ſole object, he believed, was the expulſion of the Spenſers: He prevailed on his elder brother the earl of Norfolk, to enter ſecretly into the ſame deſign: The brother and heir of the earl of Lancaſter had too many reaſons for his hatred of theſe miniſters, to refuſe his concurrence. Walter de Reynel, archbiſhop of Canterbury, and many of the prelates expreſſed their approbation of the Queen's meaſures: Several of the moſt potent barons, envying the exorbitant authority of the favourite, were ready to fly to arms: The minds of the people, by means of ſome truths and many calumnies, were ſtrongly diſpoſed to the ſame party: And there needed but the appearance of the Queen and Prince, with ſuch a body of foreign troops, as might be ſufficient to give her protection againſt immediate violence, to turn all this tempeſt, ſo artfully prepared, againſt the unhappy Edward.

1326. CHARLES, tho' he gave countenance and aſſiſtance to the faction, was aſhamed openly to ſupport the Queen and prince, againſt the authority of a huſband and father; and Iſabella was obliged to court the alliance of ſome other foreign potentate, from whoſe dominions ſhe might ſet out on her intended enterprize. For this purpoſe, ſhe affianced young Edward, whoſe tender age made him incapable to judge of the conſequences, with Philippa, daughter of the count of Holland and Hainault *; and having by the open aſſiſtance of this prince, and the ſecret protection of her brother, inliſted in her ſervice near 3000 men at arms, 24th Septem. ſhe ſet out from the harbour of Dort, and landed ſafely, and without oppoſition, on the coaſt of Suffolk. The earl of Kent was in her company: Two other princes of the blood, the earl of Norfolk, and the brother of the earl of Lancaſter, joined her ſoon after her landing with all their followers: Three prelates, the biſhops of Ely, Lincoln, and Hereford, brought her both the force of their vaſſals and the authority of their character †: Even Robert de Watteville, who had been ſent by the King to oppoſe her progreſs in Suffolk, deſerted to her with

* T. de la More, p. 598. 598. Murimuth, p. 66.

† Walſing. p. 123. Ypod. Neuſt. p. 507. T. de la More, p.

all his forces. To render her cauſe more favourable, ſhe renewed her declaration, that the ſole purpoſe of her enterprize was to free the king and kingdom from the tyranny of the Spenſers, and of chancellor Baldoc, their creature †. The populace were allured by her ſpecious pretences: The barons thought themſelves ſecure againſt forfeitures by the appearance of the prince of Wales in her army: And a weak irreſolute King, ſupported by miniſters gererally odious, was altogether unable to ſtem this torrent, which bore with ſuch irreſiſtible violence againſt him. Chap. XIV. 1326.

EDWARD, after trying in vain to rouze the citizens of London to ſome ſenſe of loyalty ‡, departed for the weſt, where he hoped to meet with a better reception; and he had no ſooner diſcovered his weakneſs by leaving the city, than the rage of the populace broke out without controul againſt him and his miniſters. They firſt plundered and then murdered all thoſe who were obnoxious to them: They ſeized the biſhop of Exeter, a virtuous and loyal prelate, as he was paſſing through the ſtreets; and having beheaded him, they threw his body into the river §. They made themſelves maſter of the Tower by ſurprize, and then entered into a formal aſſociation to put to death without mercy every one who ſhould dare to oppoſe the enterprize of queen Iſabella, and of the prince ‖. A like ſpirit was ſoon communicated to all other parts of England; and threw the few ſervants of the King, who ſtill entertained thoughts of performing their duty, into terror and aſtoniſhment.

EDWARD was hotly purſued to Briſtol by the earl of Kent, ſeconded by the foreign forces under John de Hainault. He found himſelf diſappointed in his expectations with regard to the loyalty of thoſe parts; and he paſſedover to Wales, where he flattered himſelf his name was more popular, and which he hoped to find free from the contagion of general rage, which had ſeized the Engliſh ⸸. The elder Spenſer, lately created earl of Wincheſter, was left governor of the caſtle of Briſtol; but the garriſon mutinied againſt him, and he was delivered into the hands of his enemies. This venerable noble, who had nearly reached the ninetieth year of his age, was inſtantly, without a trial, or witneſs, or accuſation, or anſwer, condemned to death by the rebellious barons: He was hanged on a gibbet; his body was cut in pieces, and thrown to the dogs *; and his head was ſent to Wincheſter, the place whoſe title he bore, and was there ſet on a pole, and expoſed to the inſults of the populace.

† Ypod. Neuſt. p. 508. ‡ Walſin. p. 123. § Walſing. p. 124. T. de la More, p. 599. Murimuth, p. 66. ‖ Walſing. p. 124. ⸸ Murimuth, p. 67. * Leland's Coll. vol. 1. p. 673. T. de la More, p. 599. Walſing. p. 125. M. Froiſſard, vol. 1. chap. 13.

Chap. XIV. 1326. THE King, disappointed anew in his expectations of succours from the Welsh, took shipping for Ireland; but being drove back by contrary winds, he endeavoured to conceal himself in the mountains of Wales: He was soon discovered, was put under the custody of the earl of Lancaster, and was confined in the castle of Kenilworth. The younger Spenser, his favourite, who also fell into the hands of his enemies, was executed, like his father, without any appearance of a legal trial †: The earl of Arundel, almost the only man of his rank in England, who had maintained his loyalty, was also, without any trial, put to death at the instigation of Mortimer: Baldoc, the chancellor, being a priest, could not with safety be so suddenly dispatched; but being sent to the bishop of Hereford's house in London, he was there, as his enemies probably foresaw, seized by the populace, thrown into Newgate, and soon after expired, from the cruel usage which he had received ‡. Even the usual reverence, paid the sacerdotal character, gave way, with every other consideration, to the present rage of the people.

The King dethroned. THE queen, to avail herself of the prevailing delusion, summoned, in the King's name, a parliament at Westminster, where, together with the power of her army, and the authority of her partizans among the barons, who were concerned

1327. to secure their past treasons by committing new acts of violence against their sovereign, she expected to be seconded by the fury of the populace, the most dangerous of all instruments, and the least answerable for their excesses. A charge

13th January. was drawn up against the King, in which, even tho' it was framed by his inveterate enemies, nothing but his narrow genius, or his misfortunes, were objected to him: For the greatest malice found no particular crime with which it could reproach this unhappy prince. He was accused of incapacity for government, of wasting his time in idle amusements, of neglecting public business, of being swayed by evil counsellors, of having lost, by his misconduct, the kingdom of Scotland, and part of Guienne; and to swell the charge, even the death of some barons, and the imprisonment of some prelates, convicted of treason, were laid to his account §. It was in vain, amidst the violence of arms and tumult of the people, to appeal either to law or reason: The deposition of the King, without any appearing opposition, was voted by parliament: The prince, already declared regent by his party *, was placed on the throne: And a deputation was sent to Edward at Kenilworth, to require his resignation, which menaces and terror soon extorted from him.

† Walsing. p. 125. Ypod. Neust. p. 508. ‡ Walsing. p. 126. Murimuth, p. 68. § Knyghton, p. 2765, 2766. Brady's App. No. 72. * Rymer, vol. 4. p. 137. Walsing. p. 125.

Chap. XIV. 1327.

But it was impoſſible, that the people, however corrupted by the barbarity of the times, ſtill farther enflamed by faction, could forever remain inſenſible to the voice of nature. A wife, who had firſt deſerted, next invaded, and then dethroned her huſband: Who had made her infant ſon an inſtrument in this unnatural treatment of his father: Who had by lying pretences ſeduced the nation into rebellion againſt their ſovereign: Who had puſhed them into violences and cruelties, that had diſhonoured them: All thoſe circumſtances were ſo odious in themſelves, and formed ſuch a complicated ſcene of guilt, that the leaſt reflection ſufficed to open mens eyes, and make them deteſt this flagrant infringement of every public and private duty. The ſuſpicions which ſoon aroſe of Iſabella's criminal commerce with Mortimer, the proofs which daily broke out of this part of her guilt, encreaſed the general abhorrence againſt her; and her impudent hypocriſy, in publicly bewailing with tears the King's unhappy fate †, was not able to deceive even the moſt ſtupid and moſt prejudiced of her adherents. In proportion as the Queen became the object of public hatred, the dethroned monarch, who had been the victim of her crimes and her ambition, was regarded with pity, with friendſhip, with veneration; and men became ſenſible, that all his miſconduct, which faction had ſo much exaggerated, had been owing to the unavoidable weakneſs, not to any voluntary depravity of his character. The new earl of Lancaſter, to whoſe cuſtody he had been committed, was ſoon touched with theſe generous ſentiments; and beſides uſing his priſoner with gentleneſs and humanity, he was ſuſpected to have entertained ſtill more honourable intentions in his favour. The King, therefore, was taken out of his hands, and delivered over to the lord Berkeley, and Mautravers, and Gournay, who were entruſted alternately, each for a month, with the charge of guarding him. While he was in Berkeley's cuſtody, he was ſtill uſed with the gentleneſs due to his rank and his misfortunes; but when Mautravers' and Gournay's turn came, every ſpecies of indignity was practiſed againſt him, as if their intention had been to break entirely the prince's ſpirit, and to employ his ſorrows and afflictions, inſtead of more violent and more dangerous expedients, for the inſtruments of his murder ‡. It is reported, that one day, when Edward was to be ſhaved, they ordered cold and dirty water to be brought from the ditch for that purpoſe; and when he deſired it to be changed, and was ſtill denied his requeſt, he burſt out into tears, which bedewed his cheeks; and he exclaimed, that, in ſpite of their inſolence, he ſhould be ſhaved with clean and warm water *. But as this means for laying Edward in his grave appeared ſtill too ſlow to the impatient Mortimer, he ſecretly ſent orders to the

† Walſing. p. 126. ‡ Anonymi Hiſt. p. 838. * T. de la More, p. 602.

Chap. XIV. 1327. two keepers, who were at his devotion, instantly to dispatch him; and these ruffians contrived to make the manner of his death as cruel and barbarous as possible. Taking advantage of Berkeley's sickness, in whose custody he then was, and who was thereby incapacitated from attending his charge †; they came to Berkeley-castle, and put themselves in possession of the King's person. They threw him on the bed; held him down violently with a table, which they flung over him; thurst into his fundament a red hot iron, which they inserted thro' a horn; and tho' the outward marks of violence upon his person were prevented by this expedient, the horrid deed was discovered to all the guards and attendants by the screams, with which the agonizing King filled the castle, while his bowels were consuming ‡.

21st Septr.

The King murdered.

Gournay and Mautravers were held in detestation by all mankind; and when the ensuing revolution in England threw their protectors from power, they found it necessary to provide for their safety by flying the kingdom. Gournay was afterwards seized at Marseilles, delivered over to the Seneschal of Guienne, put on board a ship with a view of carrying him over to England; but was beheaded at sea, by secret orders, as was supposed, from some nobles and prelates in England, anxious to prevent any discovery, which he might make of his accomplices ‖. Mautravers concealed himself for several years in Germany; but having found means of rendering some service to Edward III. he ventured to approach his person, threw himself on his knees before him, submitted to his mercy, and received a pardon ⊥.

His character.

It is not easy to imagine a man more innocent and inoffensive than the unhappy King, whose tragical death we have related; nor a prince less fitted for governing that fierce and turbulent people, subjected to his authority. He was obliged to devolve on others the weight of government, which he had neither ability nor inclination to bear: The same indolence and want of penetration led him to make choice of ministers and favourites, who were not always the best qualified for the trust committed to them: The seditious grandees, pleased with his weakness, yet complaining of it, under pretence of attacking his ministers, insulted his person and invaded his authority: And the impatient populace, ignorant of the source of their grievances, threw all the blame upon the King, and encreased the public disorders by their faction and violence. It was in vain to look

† Cotton's Ebrid. p. 8. T. de la More, p. 603. ‡ Walsing. p. 127. Ypod. Neust. p. 509. Heming. p. 268. ‖ Walsing. p. 128. Anon. Hist. p. 390. ⊥ Cotton's abridg. p. 66, 81. Rymer, vol. 5. p. 600.

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for protection from the laws, whose voice, always feeble in those times, was not heard amidst the din of arms: What could not defend the King was less able to give shelter to any of the people: The whole machine of government was torne in pieces with fury and violence: And men, instead of complaining against the manners of their age, and the form of their constitution, which required the most steady and most skilful hand to conduct them, imputed all errors to the person, who had the misfortune to be entrusted with the reins of empire. Chap. XIV. 1327.

But tho' such mistakes be natural and unavoidable while the events are recent, it is a shameful delusion in modern historians, to imagine, that all the antient princes, who were unfortunate in their government, were also tyrannical in their conduct, and that the seditions of the people proceeded always from some invasion of their liberties and privileges by the monarch. Even a great and a good King was not in that age secure against faction and rebellion, as appears in the case of Henry II. but a great King had the best chance, as we learn from the history of the same period, for quelling and subduing them. Compare the reigns and characters of Edward I. and II. The father made several violent attempts against the liberties of the people: His barons opposed him: He was obliged, at least found it prudent, to submit: But as they dreaded his valour and abilities, they were contented with reasonable satisfaction, and pushed no farther their advantages against him. The facility and weakness of the son, not his violence, threw every thing into confusion: The laws and government were overturned: An attempt to reinstate them was an unpardonable crime: And no atonement, but the deposition and tragical death of the King himself, could give these barons contentment. It is easy to see, that a constitution, which depended so much on the personal character of the sovereign, must necessarily, in many of its parts, be a government of will, not of laws. But always to throw, without distinction, the blame of all disorders upon the prince, would introduce a fatal error in politics, and serve as a perpetual apology for treason and rebellion: As if the turbulency of the great, and madness of the people, were not, equally with the tyranny of princes, an evil incident to human society, and no less carefully to be guarded against in every well regulated constitution.

Miscellaneous transactions during this reign.

While these abominable scenes passed in England, the theatre of France was stained with a wickedness equally barbarous, and still more public and deliberate. The order of knights templars had arisen during the first fervour of the Croisades; and uniting the two qualities the most popular in that age, devotion and valour, and exercising both in the most popular of all enterprizes, the defence of the Holy Land, they had made rapid advances to credit and authority, and had

Chap. XIV. 1327. had acquired, from the piety of the faithful, very ample poſſeſſions in every country of Europe, eſpecially in France. Their great riches, joined to the courſe of time, had, by degrees, relaxed the ſeverity of theſe virtues; and the templars had in a great meaſure loſt that popularity, which firſt raiſed them to honour and diſtinction. Acquainted from experience with the fatigues and dangers of thoſe fruitleſs expeditions to the Eaſt, they choſe rather to enjoy in eaſe their opulent revenues in Europe: And being all of them men of birth, educated, according to the cuſtom of that age, without any tincture of letters, they ſcorned the ignoble occupations of a monaſtic life, and paſſed their time wholly in the faſhionable amuſements of hunting, gallantry, and the pleaſures of the table. Their rival order, that of St. John of Jeruſalem, whoſe poverty had as yet preſerved them from like corruptions, ſtill diſtinguiſhed themſelves by their enterprizes againſt the infidels, and ſucceeded to all the popularity, which was loſt by the indolence and luxury of the templars. But tho' theſe cauſes had weakened the foundations of this order, once ſo celebrated and revered, the immediate ſource of their deſtruction proceeded from the cruel and vindictive ſpirit of Philip the Fair, who having entertained a private diſguſt againſt ſome eminent templars, determined to gratify at once his avidity and revenge, by involving the whole order in one undiſtinguiſhed ruin. On no better information, than that of two knights, condemned by their ſuperiors to perpetual impriſonment for their vices and profligacy; he ordered on one day all the templars of France to be committed to priſon, and imputed to them ſuch enormous and abſurd crimes, as are ſufficient of themſelves to deſtroy all the credit of the accuſation. Beſides their being univerſally charged with murder, robbery, and vices the moſt ſhocking to nature; every one, it was pretended, whom they received into their order, was obliged to renounce our Saviour, to ſpit upon the croſs *, and to join to this impiety the ſuperſtition of worſhiping a gilded head, which was ſecretly kept in one of their houſes at Marſeilles. They alſo initiated, it was ſaid, every candidate by ſuch infamous rites, as could ſerve to no other purpoſe, than to degrade the order in his eyes, and deſtroy for ever the authority of all his ſuperiors over him †. Above an hundred of theſe unhappy gentlemen were put to the queſtion in order to extort from them a confeſſion of their guilt: The more obſtinate periſhed in the hands of their tormentors: Several, to procure themſelves immediate eaſe in the violence of their agonies, acknowledged whatever was required of them: Forged confeſſions were imputed to others ‡: And Philip, as if their guilt were now cer-

* Rymer, vol. 3. p. 31, 101. † It was pretended, that he kiſſed the knights who received him on the mouth, navel and breech. Dupuy, p. 15, 16. Walſ. p. 99. ‡ Vertot, hiſt. de Chev. de Malte, vol. 2. p. 127, 130, &c.

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tain, proceeded to a confiſcation of all their treaſures. But no ſooner had the templars recovered from their tortures, than, preferring the moſt cruel execution to a life with infamy, they diſavowed their confeſſions, exclaimed againſt the forgeries, juſtified the innocence of their order, and appealed to all the gallant actions, performed by them in antient or latter times, as a full apology for their conduct. The barbarous tyrant, enraged at this diſappointment, and thinking himſelf now engaged in honour to proceed to extremities, ordered fifty four of them, whom he branded as relapſed heretics, to periſh by the puniſhment of fire in his capital *: Great numbers expired after a like manner in other parts of the kingdom: And when he found, that the perſeverance of theſe unhappy victims, in juſtifying to the laſt their innocence, had made deep impreſſion on the ſpectators, he endeavoured to overcome the conſtancy of the templars by new inhumanities. The grand maſter of the order John de Molay, and another great officer, brother to the ſovereign of Dauphiné, were conducted to a ſcaffold, erected before the church of Notredame, at Paris: A full pardon was offered them on the one hand: The fire, deſtined for their execution, was ſhown to them on the other: Theſe gallant nobles ſtill perſiſted in the proteſtations of their own innocence and that of their order; and were inſtantly hurried into the flames by the executioner †. Chap. XIV. 1327.

In all this barbarous injuſtice, Clement V. who was the creature of Philip, and then reſided in France, fully concurred; and without examining a witneſs, or making any enquiry into the truth of facts, he ſummarily, by the plenitude of his apoſtolic power, aboliſhed the whole order. The templars all over Europe were thrown into priſon; their conduct underwent a ſtrict ſcrutiny; the power of their enemies ſtill purſued and oppreſſed them; but no where, except in France, were the ſmalleſt traces of their guilt pretended to be found. England ſent back an ample teſtimony of their piety and morals; but as the order was now annihilated, the knights were diſtributed into ſeveral convents, and their poſſeſſions were, by command of the Pope, transferred to the order of St. John ‡. We now proceed to relate ſome other detached tranſactions of the preſent period.

The kingdom of England was afflicted with a grievous famine during ſeveral years of this reign. Perpetual rains and cold weather, not only deſtroyed the harveſt, but bred a mortality among the cattle, and raiſed every kind of food to an enormous price §. The parliament, in 1315, endeavoured to fix more moderate rates on commodities; not ſenſible, that ſuch an attempt was impracticable, and that, were it poſſible to reduce the price of food by any other expedient

* Vertot, vol. 2. p. 132. Trevet, cont. p. 8. vol. 3. p. 323, 956. vol. 4. p. 47. Ypod. Neuſt. p. 506. † Vertot, vol. 2. p. 142. ‡ Rymer, § Trevet, cont. p. 17, 18.

than

Chap. XIV. 1327. than introducing plenty, nothing could be more pernicious and deſtructive to the public. Where the produce of a year, for inſtance, falls ſo far ſhort, as to afford full ſubſiſtance only for nine months, the only expedient for making it laſt the whole twelve, is to raiſe the prices, to put the people by that means on ſhort allowance, and oblige them to ſpare their food, till a more plentiful year. But in reality, the encreaſe of prices is a neceſſary conſequence of ſcarcity; and laws, inſtead of preventing it, only encreaſe the evil, by cramping and reſtraining commerce. The parliament accordingly, in the enſuing year, repealed their ordinance, which they had found uſeleſs and burdenſome *.

THE prices affixed by the parliament are ſomewhat remarkable: Two pounds eight ſhillings of our preſent money for the beſt ox, not fed with corn: If fed with corn, three pounds twelve ſhillings: A fat hog of two years old, ten ſhillings: A fat weather unſhorn, a crown: If ſhorn, three ſhillings and ſix pence: A fat gooſe, ſeven pence halfpenny: A fat capon, ſixpence: A fat hen, three pence: Two chickens, three pence: Four pigeons, three pence: Two dozen of eggs, three pence †. If we conſider theſe prices, we ſhall find, that butcher's meat, in this time of great ſcarcity, muſt ſtill have been ſold by the parliamentary ordinance, three times cheaper than our middling prices at preſent: Poultry ſomewhat lower; becauſe, being now conſidered as a delicacy, it has riſen beyond its proportion: In the country places of Ireland and Scotland, where delicacies bear no price, poultry is at preſent as cheap, if not cheaper, than butcher's meat. But the inference I would draw from the compariſon of prices is ſtill more conſiderable: I ſuppoſe that the rates, affixed by parliament were inferior to the uſual market prices in thoſe years of famine and mortality of cattle; and that theſe commodities, inſtead of a third, had really riſen to a half of the preſent value. But the famine at that time was ſo conſuming, that wheat was ſometimes ſold for above four pounds ten ſhillings a quarter ‡, uſually for three pounds §; that is, conſiderably above twice our middling prices. A certain proof of the wretched ſtate of tillage in thoſe ages. We formerly found, that the middling price of corn in that period was a half of the preſent value; while the middling price of cattle was only an eighth part: We here find the ſame immenſe diſproportion in years of ſcarcity. It may thence be inferred with certainty, that the raiſing of corn was a ſpecies of manufactory, which few in that age could practiſe with advantage: And there is reaſon to think, that other manufactures more refined, were ſold even beyond their preſent prices: At leaſt there is a demonſtration for it in the reign of Hen-

* Walſ. p. 107. † Rot. Parl. 7. Edw. II. n. 35, 36. Ypod. Neuſt. p. 502. ‡ Murimuth, p. 48. Walſingham, p. 108, ſays it roſe to ſix pounds. § Ypod. Neuſt. p. 502. Trivet, cont. p. 18.

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ry VII. from the prices affixed to ſcarlet and other broad cloaths by act of parliament. During all thoſe times, it was uſual for the princes and great nobility to make ſettlements of their velvet beds and ſilken robes, in the ſame manner as of their eſtates and manors *. In the liſt of jewels and plate, which had belonged to the oſtentatious Gavaſton, and which the King recovered from the earl of Lancaſter after the murder of that favourite, we find ſome embroidered girdles, flowered ſhirts, and ſilk waiſtcoats †. It was afterwards one article of accuſation againſt that potent and opulent earl, when tried for his life, that he had purloined ſome of theſe effects of Gavaſton. The ignorance of thoſe ages in manufactures, and eſpecially in tillage, is a clear proof that they were far from being populous. Chap. XIV. 1327.

All trade and manufactures indeed were then at a very low ebb. The only country in the northern parts of Europe, where they ſeem to have riſen to any tolerable degree of improvement, was Flanders. When Robert, earl of that country, was applied to by Edward, and was deſired to break off commerce with the Scots, whom Edward called his rebels, and repreſented as excommunicated on that account by the church, the earl replied, that Flanders was always conſidered as common and free and open to all nations ‡.

The petition of the elder Spenſer to parliament, complaining of the devaſtation committed on his lands by the barons, contains ſeveral particulars, which are curious, and diſcover the manners of the age §. He affirms, that they had ravaged ſixty three manors belonging to him, and he makes his loſſes amount to 46,000 pounds; that is, to 138,000 of our preſent money. Among other particulars, he enumerates 28,000 ſheep, 1000 oxen and heifers, 1200 cows with their breed for two years, 560 cart horſes, 2000 hogs, together with 600 bacons, 80 carcaſſes of beef, and 600 muttons in the larder; ten tuns of cyder, arms for 200 men and other warlike engines and proviſions. The plain inference is, that the greateſt part of Spenſer's vaſt eſtate, as well as that of the other nobility, was farmed by the landlord himſelf, managed by his ſtewards or bailiffs, and cultivated by his villains. Little or none of it was let on leaſe to huſbandmen: Its produce was conſumed in ruſtic hoſpitality by the baron or his officers: A great number of idle retainers, ready for any diſorder or miſchief, were maintained by him: All who lived upon his eſtate were abſolutely at his diſpoſal: Inſtead of applying to courts of juſtice, he uſually ſought redreſs by open force and violence: The great nobility were a kind of independant potentates, who, if they ſubmitted to any regulations at all, were leſs governed by the mu-

* Dugdale, pa m. † Rymer, vol. 2. p. 388. ‡ Rymer, vol. 3. p. 770.
§ Brady's hiſt. vol. 2. p. 143, from Clauſ. 15. Edw. II. M. 14. Dors. in cedula.

Chap. XIV. 1321. nicipal law, than by a rude ſpecies of the laws of nations. The method in which we find they treated the King's favourites, and miniſters, is a proof of their uſual way of dealing with each other. A party, which complains of the arbitrary conduct of miniſters, ought naturally to affect a great regard for the laws and conſtitution, and maintain at leaſt the appearance of juſtice in their proceedings: Yet theſe barons, when diſcontented, came to parliament with an armed force, conſtrained the King to aſſent to their meaſures, and without any trial or witneſs or conviction, paſſed, from the pretended notoriety of facts, an act of baniſhment or attainder againſt the miniſter, which, on the firſt revolution of fortune, was reverſed by like expedients. The parliament, during factious times, was nothing but the organ of preſent power. Tho' the perſons of whom it was chiefly compoſed, ſeemed to enjoy great independance, they really poſſeſſed no true liberty; and the ſecurity of each individual among them, was not ſo much derived from the general protection of law, as from his own private power and that of his confederates. The authority of the monarch, tho' far from abſolute, was very irregular, and might often reach him: The current of a faction might eaſily overwhelm him: A hundred conſiderations, of benefits and injuries, friendſhips and animoſities, hopes and fears, were able to influence his conduct; and amidſt theſe motives a regard to equity and law and juſtice was commonly, in thoſe rude ages, of little moment. Nor did any man entertain thoughts of oppoſing preſent power, who did not deem himſelf ſtrong enough to diſpute the field with it by force, and was not prepared to give battle to the ſovereign or the ruling party.

BEFORE I conclude this reign, I cannot forbear making another remark drawn from the detail of loſſes given in by the elder Spenſer; particularly the great quantity of ſalt meat which he had in his larder, 600 bacons, 80 carcaſſes of beef, 600 muttons. We may obſerve that the outrage, of which he complains, began after the third of May, as we learn from the ſame paper. It is eaſy therefore to conjecture what a vaſt ſtore of the ſame kind he muſt have laid up at the beginning of winter; and we may draw a new concluſion with regard to the wretched ſtate of the antient huſbandry, which could not provide any ſubſiſtance for the cattle during winter, even in ſuch a temperate climate as the ſouth of England: For Spenſer had but one manor ſo far north as Yorkſhire. There being few or no encloſures, except perhaps for deer, no ſown graſs, little hay, and no other reſources for feeding cattle; the barons, as well as the people, were obliged to kill and ſalt their oxen and ſheep at the beginning of winter, before they became lean upon the common paſture: A precaution ſtill practiſed with regard to oxen in the leaſt cultivated parts of this iſland. The ſalting of mutton

is a miſerable expedient which has every where been long diſuſed. From this circumſtance, however trivial in appearance, may be drawn very important inferences, with regard to the domeſtic oeconomy and manner of life in thoſe ages. Chap. XIV. 1327.

THE diſorders of the times, from foreign wars and inteſtine diſſentions, but above all, the cruel famine, which obliged the nobility to diſmiſs many of their retainers, encreaſed the number of robbers in the kingdom; and no place was ſecure from their incurſions *. They met in troops like armies, and over-ran the country. Two cardinals, themſelves, the Pope's legates, notwithſtanding the numerous train, which attended them, were robbed, and deſpoiled of all their goods and equipage, when they traveled on the road †.

AMONG the other wild fancies of the age, it was imagined, that the perſons affected with leproſy, a diſeaſe at that time very common, had conſpired with the Saracens to poiſon all the ſprings and fountains; and men being glad of any pretence to get rid of thoſe who were a burthen to them, many of thoſe unhappy people were burnt alive for this chimerical imputation. Several Jews alſo were puniſhed in their perſons, and their goods confiſcated on the ſame account ‡.

THIS King left four children, two ſons and two daughters: Edward, his eldeſt ſon and ſucceſſor; John, created afterwards earl of Cornwal, who died young at Perth; Jane, afterwards married to David Bruce, King of Scotland; and Eleanor married to Reginald, count of Gueldres.

* Ypod. Neuſt. p. 502. Walſ. p. 107. Trevet, cont. p. 22. Murimuth, p. 51.

† Ypod. Neuſtr. p. 503. T. de la More, p. 594.

‡ Ypod. Neuſt. p. 504.

CHAP. XV.

EDWARD III.

War with Scotland——Execution of the earl of Kent——Execution of Mortimer, earl of March——State of Scotland——War with that kingdom——King's claim to the crown of France——Preparations for war with France——War——Naval victory——Domeſtic diſturbances——Affairs of Britanny——Renewal of the war with France——Invaſion of France——Battle of Crecy——War with Scotland——Captivity of the King of Scots——Calais taken.

Chap. XV. 1327. 20th Jan.

THE violent party, which had taken arms againſt Edward II. and finally depoſed that unhappy monarch, deemed it requiſite for their future ſecurity to pay ſo far an exterior obeiſance to the law, as to demand a parliamentary indemnity for all their illegal proceedings; on account of the neceſſity, which, it was pretended, they lay under, of employing force againſt the Spenſers and other evil counſellors, the enemies of the kingdom. All the attainders alſo, which had paſſed againſt the earl of Lancaſter and his adherents, when the chance of war turned againſt them, were eaſily reverſed during the triumph of their party *; and the Spenſers, whoſe former attainder had been reverſed by parliament, were now again, in this change of fortune, condemned by the votes of their enemies. A council of regency was likewiſe appointed by parliament, conſiſting of twelve perſons; five prelates, the archbiſhops of Canterbury and York, the biſhops of Wincheſter, Worceſter, and Hereford; and ſeven lay peers, the earls of Norfolk, Kent and Surrey, and the lords Wake, Ingham, Piercy, and Roſs. The earl of Lancaſter was appointed guardian and protector of the King's perſon. But tho' it was reaſonable to expect, that, as the weakneſs of the former King had given reins to the licentiouſneſs of the barons, great tranquillity would not prevail during the preſent minority; the firſt diſturbance aroſe from the invaſion of foreign enemies.

War with Scotland.

THE King of Scots, declining in years and health, but retaining ſtill that martial ſpirit, which had raiſed his nation from the loweſt ebb of fortune, deemed

* Rymer, vol. 4. p. 245, 257, 258, &c.

Chap. XV. 1327.

the preſent opportunity favourable for infeſting England: He firſt made an attempt on the caſtle of Norham, in which he was diſappointed; he then collected an army of 25,000 men on the frontiers, and having appointed the earl of Murray and lord Douglas generals, threatened an incurſion into the northern counties. The Engliſh regency, after trying in vain every expedient to reſtore peace with Scotland, made vigorous preparations for war; and beſides aſſembling an Engliſh army of near ſixty thouſand men, they invited back John de Hainault, and ſome foreign cavalry, whom they had diſmiſſed, and whoſe diſcipline and arms had appeared ſuperior to thoſe of their own country. Young Edward himſelf, burning with a paſſion for military fame, appeared at the head of theſe numerous forces; and marched from Durham, the appointed place of rendevous, in queſt of the enemy, who had already broke into the frontiers, and were laying every thing waſte around him with fire and ſword.

Murray and Douglas were the two moſt celebrated warriors, bred in the long hoſtilities between the Scots and Engliſh; and their forces, trained in the ſame ſchool, and enured to hardſhips, fatigues, and dangers, were perfectly qualified, by their habits and manner of life, for that deſultory and deſtructive war, which they carried on againſt the Engliſh. Except a body of about 4000 cavalry, well armed, and fit to make a ſteddy impreſſion in battle, the reſt of the army were mounted on ſmall horſes, which found ſubſiſtance every where, and carried them with rapid and unexpected marches, whether they meant to commit depredations on the peaceable inhabitants, or to attack an armed enemy, or to retreat into their own country. The whole equipage of the troops conſiſted of a bag of oat meal, which, as a ſupply in caſe of neceſſity, each ſoldier carried behind him; together with a light plate of iron, on which he inſtantly baked the oat meal into a cake, in the open fields. But his chief ſubſiſtance was the cattle which he ſeized; and his cookery was as expeditious as all his other operations. After fleaing the animal, he placed the ſkin, looſe and hanging in the form of a bag, upon ſome ſtakes; he poured water into it, kindled a fire below, and thus made it ſerve as a cauldron for the boiling of his victuals *.

The chief difficulty, which Edward met with, after compoſing ſome dangerous frays, which broke out between his foreign forces and the Engliſh †, was to come up with an enemy, ſo rapid in their marches, and ſo little encumbered in their motions. Tho' the flame and ſmoke of burning villages directed him ſufficiently to the place of their encampment, he found upon hurrying thither, that they were already departed, and he ſoon diſcovered, by new marks of devaſtation, that they had removed to ſome diſtant quarter. After harraſſing his army during

* Froiſſard, liv. 4. chap. 18. † Froiſſard, liv. 1. chap. 17.

ſome-

Chap. XV. 1327. some time in this fruitless chace, he advanced northwards, and crossed the Tyne, with a resolution of awaiting them on their return homewards, and taking vengeance on them for all their depredations *. But that whole country was already so much wasted by their frequent incursions, that it could not afford subsistance to his army; and he was obliged again to return southwards, and change his plan of operations. He had now lost all tract of the enemy; and tho' he promised the reward of a hundred pounds a year to any one who should bring him an account of their motions, he remained unactive some days, before he received any intelligence of them †. He found at last, that they had fixed their camp on the southern banks of the Were, as if they intended to await a battle; but their prudent leaders had chosen the ground with such judgment, that the English, on their approach, found it impracticable, without temerity, to cross the river in their face, and attack them in their present situation. Edward, impatient for revenge and glory, here sent them a defiance, and challenged them, if they dared, to meet him in an equal field, and try the fortune of arms. The bold spirit of Douglas could ill brook this bravado, and he advised the acceptance of the challenge; but he was over-ruled by Murray, who replied to Edward, that he never took the council of an enemy in any of his operations. The King, therefore, kept still his position opposite to them; and expected daily, that necessity would oblige them to change their quarters, and give him an opportunity of overwhelming them with his superior forces. After a few days, they suddenly decamped, and marched farther up the river; but still posted themselves in such a manner, as to preserve the advantage of the ground, if the enemy should venture to attack them ‡. Edward insisted, that all hazards should be run, rather than allow these ravagers to escape with impunity; but Mortimer's authority prevented the assault, and opposed itself to the valour of the young monarch. While the armies lay in this position, an incident happened which had well nigh proved fatal to the English. Douglas, having got the word, and surveyed exactly the situation of the English camp, entered it secretly in the night time, with a body of two hundred determined soldiers, and advanced to the royal tent, with a view of killing or carrying off the prince, in the midst of his whole army. But some of Edward's attendants, awaking in that critical moment, made resistance; his chaplain and chamberlain sacrificed their lives for his safety; the King himself, after making a valiant defence, escaped in the dark: And Douglas, having lost the greatest part of his followers, was glad to make a hasty retreat with the remainder §. Soon after, the Scottish army decamped without noise in the dead of

* Froissart, liv. 4. chap. 19. † Rymer, vol. 4. p. 312. Froissart, liv. 4. chap. 19. ‡ Froissart, liv. 4. chap. 19. § Froissart, liv. 4. chap. 19. Hemingford, p. 268. Ypod. Neust. p. 509. Knyghton, p. 2552.

night;

night; and having thus got the ſtart of the Engliſh, arrived without farther loſs in their own country. Edward, on entering the place of the Scottiſh encampment, found only ſix Engliſhmen, whom the enemy, after breaking their legs, had tied to trees, in order to prevent their carrying any intelligence to their countrymen *. Chap. XV. 1327.

THE King was highly incenſed at the diſappointment, which he had met with, in his firſt enterprize, and at the head of ſo gallant an army. The ſymptoms, which he had diſcovered of bravery and ſpirit, gave extreme ſatisfaction, and were regarded as ſure prognoſtics of an illuſtrious reign: But the general diſpleaſure fell violently on Mortimer, who was already the object of public odium: And every meaſure which he purſued, tended to aggravate, beyond all bounds, the hatred of the nation both againſt him and Queen Iſabella.

WHEN the council of regency was formed, Mortimer, tho' in the plenitude of his power, had taken no care to enſure a place in it; but this ſemblance of moderation was only a cover to the moſt exorbitant and moſt ambitious projects. He rendered that council entirely uſeleſs by uſurping to himſelf the whole ſovereign power; he ſettled on the Queen-dowager the greater part of the royal revenues; he never conſulted either the princes of the blood or the other noblemen in any public meaſure; the King himſelf was ſo beſieged by his creatures, that no acceſs could be procured to him; and all the envy, which had attended Gaveſton and Spenſer, fell much more deſervedly on this new favourite.

MORTIMER, ſenſible of the growing hatred of the people, thought it requiſite, on any terms, to ſecure peace abroad; and he entered into a negociation with Robert Bruce for that purpoſe. As the claim of ſuperiority in England, more than any other cauſe, had tended to inflame the animoſities between the two nations, Mortimer conſented to reſign abſolutely this pretenſion, to give up all the homages done by the Scottiſh parliament and nobility, and to acknowledge Robert as ſovereign of Scotland †. In return for theſe mighty advantages, Robert only ſtipulated the payment of 30,000 marks to England. This treaty was ratified by parliament ‡; but was nevertheleſs the ſource of great diſcontent among the people, who, having entered zealouſly into the pretenſions of Edward I. and deeming themſelves diſgraced by the ſucceſsful reſiſtance of ſo inferior a a nation, were diſappointed by this treaty, in all future hopes both of conqueſt and of vengeance. 1328.

THE princes of the blood, Kent, Norfolk, and Lancaſter, were very much united in their councils; and Mortimer entertained great ſuſpicions of their de-

* Froiſſart, liv. 4. chap. 19. † Rymer, p. 337. Heming. p. 270. Anon. Hiſt. p. 392.
‡ Ypod. Neuſt. p. 510.

ſigns

Chap. XV. 1327. ſigns againſt him. In ſummoning them to parliament, he ſtrictly prohibited them, in the King's name, from being attended with an armed force, an illegal but uſual practice in that age. The three earls, as they approached to Saliſbury, the place appointed for the meeting of parliament, found, that, tho' they themſelves, in obedience to the King's command, had brought only their uſual retinue along with them, Mortimer and his party were attended with all their followers in arms; and they began with ſome reaſon to apprehend a dangerous deſign againſt their perſons. They therefore retreated, aſſembled their retainers, and were returning with an army to take vengeance on Mortimer, when the weakneſs of Kent and Norfolk, who deſerted the common cauſe, obliged Lancaſter alſo to make his ſubmiſſions *. The quarrel, by the interpoſition of the prelates, ſeemed for the preſent to be appeaſed.

1329. But Mortimer, in order to intimidate the princes, determined to have a victim; and the ſimplicity, with the good intentions of the earl of Kent, afforded him ſoon after an opportunity of practiſing upon him. By himſelf and his emiſſaries, he endeavoured to perſuade that prince, that his brother, King Edward, was ſtill alive, and concealed in ſome ſecret priſon in England. The earl, whoſe remorſes for the part which he had acted againſt the late King, probably inclined him to give credit to this intelligence, entered into a deſign of reſtoring him to liberty, of re-inſtating him on the throne, and thereby of making ſome compenſation for the injuries, which he had unwarily done him †. After this innocent contrivance had been allowed to proceed a certain length, the earl was ſeized by Mortimer, was accuſed before the parliament, and condemned by theſe ſlaviſh, tho' turbulent barons, to loſe his life and fortune. The queen and Mortimer, apprehenſive of young Edward's lenity towards his uncle, hurried on the execution, and the priſoner was beheaded next day: But ſo general was the affection borne the earl, and ſuch pity prevailed for his hard fate, that, tho' peers had been eaſily found, to condemn him, it was evening before his enemies could find an executioner to perform the office ‡.

1330.

9th March. Execution of the earl of Kent.

The earl of Lancaſter, on pretence of his aſſent to this conſpiracy, was ſoon after thrown into priſon: Many others of the prelates and nobility were proſecuted: Mortimer employed this engine to cruſh all his enemies, and enrich himſelf and his family by the forfeitures. The eſtate of the earl of Kent was ſeized for his younger ſon, Geoffrey: The immenſe fortunes of the Spenſers and their adherents were moſtly converted to his own uſe: He affected a ſtate and dignity

* Knyghton, p. 2554. † Aveſbury, p. 8. Anon. Hiſt. p. 395. ‡ Heming. p. 271. Ypod. Neuſt. p. 510. Knyghton, p. 2555.

equal

equal or ſuperior to the royal: His power became formidable to every one: His illegal practices were daily complained of: And all parties, forgetting former animoſities, conſpired in their hatred againſt Mortimer. Chap. XV. 1330.

It was impoſſible, that theſe abuſes could long eſcape the obſervation of a prince, endowed with ſo much ſpirit and judgment as young Edward, who being now in his eighteenth year, and feeling himſelf capable of government, repined at being held in fetters by this inſolent miniſter. But ſo much was he ſurrounded with the emiſſaries of Mortimer, that it behoved him to conduct the project for ſubverting him, with the ſame ſecrecy and precaution, as if he had been forming a conſpiracy againſt his ſovereign. He communicated his intentions to the lord Mountacute, who engaged the lords Molins and Clifford, ſir John Nevil of Hornby, ſir Edward Bohun Ufford, and others, to enter into their views; and the caſtle of Nottingham was choſen for the ſcene of the enterprize. The Queen-dowager and Mortimer lodged in that fortreſs: The King alſo was admitted, tho' with a few only of his attendants: And as the caſtle was ſtrictly guarded, the gates locked every evening, and the keys carried to the Queen, it became neceſſary to communicate the deſign to ſir William Eland, the governor, who entered zealouſly into it. By his direction the King's aſſociates were admitted thro' a ſubterraneous paſſage, which had been formerly contrived for a ſecret outlet to the caſtle, but was now buried in rubbiſh; and Mortimer, without having it in his power to make reſiſtance, was ſuddenly ſeized in an apartment adjoining to the Queen's *. A parliament was immediately called for his trial. He was accuſed before that aſſembly of having uſurped regal power from the council of regency, appointed by parliament; of having procured the death of the late King; of having deceived the earl of Kent into a conſpiracy to reſtore that prince; of having ſolicited and obtained exorbitant grants of the royal demeſnes; of having diſſipated the public treaſure; of ſecreting for his own uſe 20,000 marks of the money paid by the King of Scotland; and of other crimes and miſdemeanours †. The parliament condemned him, from the ſuppoſed notoriety of the facts, without trial, or hearing his anſwer, or examining a witneſs; and he was hanged on a gibbet at the Elmes, in the neighbourhood of London. It is remarkable, that this ſentence was near twenty years after reverſed by parliament, in favour of Mortimer's ſon; and the reaſon aſſigned was the illegal form of the proceedings ‡. The principles of law and juſtice were eſtabliſhed in England, not in ſuch a degree as to prevent any iniquitous ſentence againſt a perſon obnoxious to the ruling party; but ſufficient, on Execution of Mortimer. 29th Novem.

* Aveſbury, p. 9. † Brady's App. N°. 83. Anon. Hiſt. p. 397, 398. Knyghton, p. 2556.
‡ Cotton's Abridg. p. 85, 86.

Chap. XV. the return of his credit, or that of his friends, to ſerve as a reaſon or pretence for its reverſal.

1331. JUSTICE was alſo executed by a ſentence of the houſe of peers, on ſome of the inferior criminals, particularly on Simon de Bereford: But the barons, in that caſe, entered a proteſt, that, tho' they had tried Bereford, who was none of their peers, they ſhould not for the future be obliged to receive any ſuch accuſation. The Queen was confined to her own houſe at Riſings near London: Her revenue was reduced to 4000 pounds a year *: And tho' the King, during the remainder of her life, paid her a decent viſit once or twice a year, ſhe never was able to reinſtate herſelf in any credit or authority.

EDWARD, having now taken the reins of government into his own hands, applied himſelf, with induſtry and judgment, to redreſs all thoſe grievances, which had either proceeded from want of authority in the crown, or from the late abuſes of it. He iſſued writs to the judges, enjoining them to adminiſter juſtice, without paying any regard to arbitrary orders from the miniſters: And as the robbers, thieves, murderers, and criminals of all kinds, had, during the courſe of public convulſions, multiplied to an enormous degree, and were openly protected by the great barons, who made uſe of them againſt their enemies, the King, after exacting from the peers a ſolemn promiſe in parliament, that they would break off all connexion with ſuch malefactors †, ſet himſelf in earneſt to remedy the evil. Many of theſe gangs had become ſo numerous, as to require his own preſence to diſſipate them; and he exerted both courage and induſtry in executing this ſalutary office. The miniſters of juſtice, from his example, employed the utmoſt diligence in diſcovering, purſuing, and puniſhing the criminals; and this diſorder was by degrees corrected, or at leſt palliated; the utmoſt that could be expected with regard to a diſeaſe, inherent in the conſtitution.

IN proportion as the government acquired authority at home, it became formidable to the neighbouring nations; and the ambitious ſpirit of Edward ſought, and ſoon found, an opportunity of exerting itſelf. The wiſe and valiant Robert Bruce, who had recovered by arms the independancy of his country, and had fixed it by the laſt treaty of peace with England, ſoon after died, and left David his ſon, a minor, under the guardianſhip of Randolf, earl of Murray, the companion of all his victories. It had been ſtipulated in this treaty, that both the Scottiſh nobility, who, before the commencement of the wars, enjoyed lands in England, and the Engliſh who inherited eſtates in Scotland, ſhould be reſtored to their ſe-

State of Scotland.

* Cotton's Abridg. p. 10. † Cotton's Abridg.

veral

veral poſſeſſions *: But tho' this article had been executed pretty regularly on the part of Edward, Robert, who ſaw the eſtates claimed by Engliſhmen much more numerous and valuable than the other, either eſteemed it dangerous to admit ſo many ſecret enemies into the kingdom, or found it difficult to wreſt from his own followers the poſſeſſions beſtowed on them as the reward of their fatigues and dangers: And he had protracted the performance of his part of the ſtipulation. The Engliſh nobes, diſappointed in their expectations, began to think of a remedy; and as their influence was great in the north, their enmity alone, even tho' unſupported by the King of England, became dangerous to the minor prince, who ſucceeded to the Scottiſh throne. Chap. XV. 1331.

EDWARD BALIOL, the ſon of that John, who was crowned King of Scotland, had been detained ſome time a priſoner in England after his father was releaſed; but having alſo obtained his liberty, he went over to France, and lived in Normandy, on his patrimonial eſtate in that country, without any thoughts of reviving the claims of his family upon the crown of Scotland. His pretenſions, however plauſible, had been ſo ſtrenuouſly abjured by the Scots, and rejectd by the Engliſh, that he was entirely regarded as a private perſon; and he had been thrown into priſon on account of ſome private offence againſt the laws, of which he was accuſed. The lord Beaumont, a great Engliſh baron, who in the right of his wife claimed the earldom of Buchan in Scotland †, found him in this ſituation; and deeming him a proper inſtrument for his purpoſe, made ſuch intereſt with the King of France, who was not aware of the conſequences, that he recovered him his liberty, and brought him over with him into England. 1332.

THE injured nobles, poſſeſſed of ſuch a head, began now to think of vindicating their rights by force of arms; and they applied to Edward for his concurrence and aſſiſtance. But there were ſeveral reaſons, which deterred the King from openly avowing their enterprize. In his treaty with Scotland, he had entered into a bond of 20,000 pounds, payable to the Pope, if within four years he violated the peace; and as the term was not yet elapſed, he dreaded the exacting of that penalty, by the ſovereign pontiff, who poſſeſſed ſo many means of forcing him to make payment. He was alſo afraid, that violence and injuſtice would every where be imputed to him, if he attacked with ſuch ſuperior force a minor King, and a brother-in-law, whoſe independant title had ſo lately been acknowledged by a ſolemn treaty. And as the regent of Scotland, on every demand which had been made, of reſtitution to the Engliſh barons, had always confeſſed

* Rymer, vol. 4. p. 384. † Rymer, vol. 4. p. 251.

Chap. XV. 1332. the juſtice of their claim, and had only given an evaſive anſwer, grounded on plauſible pretences, Edward reſolved not to proceed to open violence, but to employ like artifices againſt him. He ſecretly encouraged Baliol in his enterprize; connived at his aſſembling forces in the north; and gave countenance to the nobles, who were diſpoſed to join in the attempt. A force of near 2500 men was inliſted under Baliol, by Umfreville earl of Angus, the lords Beaumont, Ferrars, Fitz-warin, Wake, Stafford, Talbot, and Moubray. And as theſe adventurers apprehended that the frontiers would be ſtrongly armed and guarded, they reſolved to make their attack by ſea; and having embarked at Ravenſpur, they reached in a few days the coaſt of Fife. †

SCOTLAND was at preſent in a very different ſituation from that in which it had appeared under the victorious Robert. Beſides the loſs of that great monarch, whoſe genius and authority preſerved entire the whole political fabric, and maintained an union among the unruly barons, lord Douglas, impatient of reſt, had gone over to Spain in a croiſade againſt the Moors, and had there periſhed in battle*: The earl of Murray, who had been long declining in age and infirmities, had lately died, and had been ſucceeded in the regency by Donald earl of Marre, a man of much inferior talents: The military ſpirit of the Scots, tho' ſtill unbroken, was left without a proper guidance and direction: And a minor King ſeemed ill qualified to defend an inheritance, which it had required all the conſummate valour and abilities of his father to acquire and maintain. But as the Scots were apprized of the intended invaſion, great numbers, on the appearance of the Engliſh fleet, immediately ran to the ſhore, in order to prevent the landing of the enemy. Baliol had valour and activity, and he repulſed the Scots with a conſiderable loſs †. He marched weſtward into the heart of the country; flattering himſelf that the antient partizans of his family would declare for him. But the fierce animoſity, which had been kindled between the two nations, inſpiring the Scots with a ſtrong prejudice againſt a prince who was ſupported by the Engliſh, he was regarded as a common enemy; and the regent found no difficulty in aſſembling a great army to oppoſe him. It is pretended, that Marre had no leſs than 40,000 men under his ſtandard; but the ſame hurry and impatience, that made him collect a force, which from its greatneſs was ſo diſproportioned to the occaſion, rendered all his motions unſkilful and imprudent. The river Erne ran between the two armies; and the Scots, confiding in that ſecurity, as well as in their great ſuperiority of numbers, kept no order in their encampment. Baliol paſſed the river in the night time; attacked the unguarded

11th Auguſt.

* Froiſſart, liv. 1. chap. 21. † Heming. p. 272. Walſing. p. 131. Knyghton, p. 2560.

and undiſciplined Scots; threw them into confuſion, which was encreaſed by the darkneſs and by their very numbers to which they truſted; and he beat them off the field with great ſlaughter *. But in the morning, the Scots were at ſome diſtance, they were aſhamed of having yielded the victory to ſo weak a foe, and they hurried back to recover the honour of the day. Their eager paſſions carried them precipitately to battle, without regard to ſome broken ground, which lay between them and the enemy, and which diſordered and confounded their ranks. Baliol ſeized the favourable opportunity, advanced his troops upon them, prevented them from rallying, and chaced them anew off the field with redoubled ſlaughter. There fell above 12,000 Scots in this action; and among theſe the flower of their nobility; the regent himſelf, the earl of Carric, a natural ſon of their late King, the earls of Athole and Monteith, the lord Hay of Errol, conſtable, and the lords Keith and Lindſey. The loſs of the Engliſh ſcarce exceeded thirty men; a ſtrong proof, among many others, of the miſerable ſtate of military diſcipline in thoſe ages †. Chap. XV. 1332.

Baliol ſoon after made himſelf maſter of Perth; but ſtill was not able to bring over any of the Scots to his party. Patric Dunbar, earl of Marche, and Sir Archibald Douglas, brother to the lord of that name, appeared at the head of the Scottiſh armies, which amounted ſtill to near 40,000 men; and they propoſed to reduce Baliol and the Engliſh by famine. They inveſted Perth by land; they collected ſome veſſels with which they blockaded it by water: But Baliol's ſhips attacking the Scottiſh fleet, gained a compleat victory over them; and opened the communication to Perth by ſea ‡. It then behoved the Scottiſh armies to diſperſe themſelves for want of pay and ſubſiſtance: The nation was in effect ſubdued by a handful of men: Each nobleman, who found himſelf moſt expoſed to danger, ſucceſſively ſubmitted to Baliol: That prince was crowned King at Scone: David, his competitor, was ſent over to France with his betrothed wife, Jane, ſiſter to Edward: And the heads of his party ſued to Baliol for a truce, which he granted them, in order to aſſemble a parliament in tranquillity, and have his title recognized by the whole Scottiſh nation. 27th Septr.

But Baliol's imprudence or his neceſſities making him diſmiſs the greateſt part of his Engliſh followers, he was, notwithſtanding the truce, attacked of a ſudden near Annan by Sir Archibald Douglas, and other chieftains of that party; he was routed; his brother John Baliol was ſlain; he himſelf was chaced into England in a mi- 1333.

* Knyghton, p. 2561. † Heming p. 273. Walſingham, p. 131. Knyghton, p. 2561.
‡ Heming. p. 273. Knyghton, p. 2561.

ſerable

Chap. XV. 1333. ſerable condition; and thus loſt his kingdom by a revolution as quick as that by which he had acquired it.

War with Scotland.

While Baliol enjoyed his ſhort-liv'd and precarious royalty, he had been ſenſible, that without the protection of England, it would be impoſſible for him to maintain poſſeſſion of the throne; and he had ſecretly ſent a meſſage to Edward, offering to acknowlege his ſuperiority, to renew the homage for his crown, and to eſpouſe the princeſs Jane, if the Pope's conſent could be obtained, for diſſolving her former marriage, which was not yet conſummated. Edward, ambitious of recovering that important ſacrifice, made by Mortimer during his minority, threw off all ſcruples, and willingly accepted the offer; but as the dethronement of Baliol had rendered this conceſſion of no effect, the King prepared to re-inſtate him in poſſeſſion of the crown; an enterprize, which appeared from late experience ſo eaſy and ſo little hazardous. As he poſſeſſed many popular arts, he conſulted his parliament on this occaſion; but that aſſembly, finding the reſolution already taken, declined giving any opinion, and only ſupplied him, in order to ſupport the enterprize, with an aid of a fifteenth, from the perſonal eſtates of the nobility and gentry, and a tenth of the moveables of boroughs. And they added a petition, that the King would thenceforth live of his own, without grieving his ſubjects by illegal taxes, or by the outrageous ſeizure of their goods in the ſhape of purveyance*.

As the Scots expected, that the chief brunt of the war would fall upon Berwic, Douglas, the regent, threw a ſtrong garriſon into that place under the command of Sir William Keith, and he himſelf aſſembled a great army on the frontiers, ready to penetrate into England, ſo ſoon as Edward ſhould have inveſted that fortreſs. The Engliſh army was leſs numerous; but better ſupplied with arms and proviſions, and retained in ſtricter diſcipline; and the King, notwithſtanding the valiant defence of Keith, had in two months time reduced the garriſon to extremity, and had obliged them to capitulate. They engaged to ſurrender the place, if they were not relieved within a few days by their countrymen†. This intelligence being conveyed to the Scottiſh army, which was preparing to invade Northumberland, changed their whole plan of operations, and engaged them to advance towards Berwic, and attempt the relief of that important place. Douglas, who had ever propoſed to decline a pitched battle, in which he was ſenſible of the enemy's ſuperiority, and who intended to have drawn out the war by ſmall ſkirmiſhes, and by mutually ravaging each others country, was forced, by the impatience of his troops, to put the whole fate of the kingdom upon the

* Cotton's Abridgm. † Rymer, vol. 4. p. 564, 565, 566.

event

event of one day. He attacked the Engliſh at Halidown-hill, a little north of Berwic; and tho' the Scottiſh *Gens d'armes* diſmounted from their horſes, in order to render the action more ſteddy and deſperate, they were received with ſuch valour by Edward, and were ſo galled by the Engliſh archers, that they were ſoon thrown into diſorder, and on the fall of Douglas, their general, were put to abſolute rout. The whole army fled in confuſion, and the Engliſh, but much more the Iriſh, gave little quarter in the purſuit: All the nobles of chief diſtinction were either ſlain or taken priſoners: Near thirty thouſand of the Scots fell in the action: While the loſs of the Engliſh amounted only to one knight, one eſquire, and thirteen private ſoldiers: An inequality almoſt incredible *. Chap. XV. 1333. 19th July.

After this fatal blow, the Scottiſh nobles had no other reſource but inſtant ſubmiſſion; and Edward, leaving a conſiderable body with Baliol to compleat the conqueſt of the kingdom, returned with the remainder of his army into England. Baliol was acknowledged King by a parliament aſſembled at Edinburgh †; the ſuperiority of England was again recognized; many of the Scottiſh nobility ſwore fealty to him; and to compleat the misfortunes of that nation, Baliol ceded to Edward Berwic, Dunbar, Roxborough, Edinburgh, and all the ſouth-eaſt counties of Scotland, which were declared to be for ever annexed to the Engliſh monarchy ‡.

If Baliol, on his firſt appearance, was dreaded by the Scots, as an inſtrument employed by England for the ſubjection of the kingdom, this deed confirmed all their ſuſpicions, and rendered him the object of univerſal hatred. Whatever ſubmiſſions they might be obliged to make, they conſidered him, not as their prince, but as the delegate and confederate of their determined enemy; and neither the manners of the age, nor the ſtate of Edward's revenue permitting him to maintain a conſtant ſtanding army in Scotland, the Engliſh forces were no ſooner withdrawn, than the Scots revolted againſt Baliol, and returned to their former allegiance under Bruce. Sir Andrew Murray, appointed regent by the party of this latter prince, employed with ſucceſs his valour and activity in many ſmall but deciſive actions againſt Baliol; and in a ſhort time had almoſt wholly expelled him the kingdom. Edward was obliged again to aſſemble an army and to march into Scotland: The Scots, taught by experience, withdrew into their hills and faſtneſſes: He deſtroyed the houſes, and ravaged the eſtates of thoſe whom he called rebels: But this confirmed them ſtill farther in their obſtinate anti- 1334. 1335.

* Heming. p. 275, 276, 277. Knyghton, p. 2559. Otterborne, p. 115. † Rymer, vol. 4. p. 590. ‡ Rymer, vol. 4. p. 614.

Chap. XV. 1336.

pathy to England and to Baliol; and being now rendered desperate, they were ready to take advantage, on the first opportunity, of the retreat of their enemy, and they soon re-conquered their country from the English. Edward made anew his appearance in Scotland with like success: He found every thing hostile in the kingdom, except the spot on which he was encamped: And tho' he marched uncontrouled over all the low countries, the nation itself was farther than ever from being broken and subdued. Besides being supported by their pride and anger, passions difficult to tame, they were encouraged, amidst all their calamities, by daily promises of relief from France; and as a war was now likely to break out between that kingdom and England, they had reason to expect from this incident a great diversion of that force, which had so long oppressed and overwhelmed them.

1337. King's claim to the crown of France.

We now come to a transaction, on which depended the most memorable events, not only of this long and active reign, but of the whole English and French history, during more than a century; and it will therefore be necessary to give a particular account of the springs and causes of it. It had long been a prevailing opinion, that the crown of France could never descend to females; and as nations, in accounting for principles, which they regard as fundamental and as peculiar to themselves, are fond of grounding them rather on primary laws, than on blind custom, it had been usual to derive this maxim from a clause in the Salian Code, the law of an antient tribe among the Franks; tho' that clause, when strictly examined, carries only the appearance of favouring this principle, and does not really, by the confession of the best critics, bear the sense commonly imposed upon it. But tho' positive law seems wanting among the French for the exclusion of females, the practice had prevailed; and the rule was established beyond controversy on some antient as well as some modern precedents. During the first race of the monarchy, the Franks were so rude and barbarous a people, that they were incapable of submitting to a female reign; and in that period of history, there were frequent instances of kings advanced to royalty in prejudice of females, who were related to the crown by nearer degrees of consanguinity. These precedents, joined to like causes, had also established the male succession in the second race; and tho' the instances were neither so frequent nor so certain during that period, the principle of excluding the female line seems still to have prevailed, and to have directed the conduct of the nation. During the third race, the crown had descended from father to son for eleven generations, from Hugh Capet to Lewis Hutin; and thus, in fact, during the course of nine hundred years, the French monarchy had always been governed by males, and no

no female and none deſcended of females had ever mounted the throne. Philip the Fair, father of Lewis Hutin, left three ſons, this Lewis, Philip the Long, and Charles the Fair, and one daughter, Iſabella, queen of England. Lewis Hutin, the eldeſt, left at his death one daughter, by Margaret ſiſter to Eudes, duke of Burgundy; and as his queen was then pregnant, Philip, his younger brother, was appointed regent, till it ſhould appear whether ſhe was delivered of a ſon or daughter. Her iſſue proved male, but lived only a few days: Philip was proclaimed King: And as the duke of Burgundy made ſome oppoſition, and aſſerted the right of his niece, the ſtates of the kingdom, by a ſolemn and deliberate decree, gave her the excluſion, and declared all females for ever incapable of ſucceeding to the crown of France. Philip died after a ſhort reign, leaving three daughters; and his brother, Charles, without diſpute or controverſy, then ſucceeded to the crown. The reign of Charles was alſo ſhort: He left one daughter; but as his queen was pregnant, the next male heir was appointed regent, with a declared right of ſucceſſion, if the iſſue ſhould prove female. This prince was Philip de Valois, couſin german to the deceaſed King; being the ſon of Charles de Valois, brother of Philip the Fair. The queen of France was delivered of a daughter: The regency ended; and Philip de Valois was unanimouſly placed on the throne of France. Chap. XV. 1337.

THE King of England, who was at that time a youth of fifteen years of age, embraced a notion, that he was intitled, in right of his mother, to the ſucceſſion of the kingdom, and that the claim of the nephew was preferable to that of the couſin german. There could not well be conceived a notion weaker or worſe grounded. The principle of excluding females was of old an eſtabliſhed opinion in France, and had acquired equal authority with the moſt expreſs and poſitive law: It was ſupported by antient precedents: It was confirmed by recent inſtances, ſolemnly and deliberately decided: And what placed it ſtill farther beyond controverſy; if Edward was diſpoſed to queſtion its validity, he thereby cut off his own pretenſions; ſince the three laſt Kings had all left daughters, who were ſtill alive, and who ſtood before him in the order of ſucceſſion. He was therefore reduced to aſſert, that, tho' his mother, Iſabella, was, on account of her ſex, incapable of ſucceſſion, he himſelf, who inherited thro' her, was liable to no ſuch objection, and might claim by the right of propinquity. But, beſides that this pretenſion was more favourable to Charles, King of Navarre, deſcended from the daughter of Lewis Hutin, it was ſo contrary to the eſtabliſhed principles of ſucceſſion in every country of Europe*, was ſo repugnant to the practice both in private and public inheritances, that no body in France thought of Edward's right: Phi-

* Froiſſart, lib. 1. chap. 4.

Chap. XV. 1337. lip's title was univerſally recognized and acknowledged *: And he never imagined, that he had a competitor; much leſs, ſo formidable a one as the King of England.

But tho' the youthful and ambitious mind of Edward had raſhly entertained this notion, he did not think proper to inſiſt on his pretenſions, which muſt have immediately involved him, on very unequal terms, in a dangerous and implacable war with ſo powerful a monarch. Philip was a prince of mature years, of great experience, and at that time of an eſtabliſhed character both for prudence and valour; and by theſe circumſtances, as well as by the union of his people, and their acquieſcence in his undoubted right, he poſſeſſed every advantage over a raw youth, newly raiſed, by injuſtice and violence, to the government of the moſt intractable and moſt turbulent ſubjects in Europe. But there immediately occurred an incident, which required, that Edward ſhould either openly declare his pretenſions, or for ever renounce and abjure them. He was ſummoned to do homage for Guienne: Philip was preparing to compel him by force of arms: That country was in a very bad ſtate of defence: And the forfeiture of ſo rich an inheritance was, by the feudal law, the immediate conſequence of his refuſing or declining to perform the duty of a vaſſal. Edward therefore thought it prudent to ſubmit to preſent neceſſity: He went over to Amiens: Did homage to Philip: And as there had ariſen ſome controverſy concerning the terms of this ſubmiſſion, he afterwards ſent over a formal deed, in which he acknowledged that he owed liege homage to the crown of France †; which was in effect ratifying, and that in the ſtrongeſt terms, Philip's title to the crown of that kingdom. His own claim indeed was ſo unreaſonable, and ſo thoroughly diſavowed by the whole French nation, that to inſiſt on it was no better than to pretend to the entire conqueſt of the kingdom; and it is probable that he would never have farther thought of it, had it not been for ſome incidents, which excited an animoſity between the two monarchs.

Robert d'Artois was deſcended of the royal blood of France, was a man of great character and authority, had eſpouſed Philip's ſiſter, and by his birth, talents, and credit was entitled to make the higheſt figure, and to fill the moſt important offices, in the monarchy. This prince had loſt the county of Artois, which he claimed as his birthright, by a ſentence, commonly deemed iniquitous, of Philip the Fair; and he was ſeduced to attempt the recovering poſſeſſion by an action, ſo unworthy of his rank and character as a forgery ‡. The detection of this crime covered him with ſhame and confuſion: His brother in law not

* Froiſſart, lib. 1. chap. 22. † Rymer, vol. 4. p. 477, 481. Froiſſart, liv. 1. chap. 25. Anon. Hiſt. p. 394. Walſingham, p. 130. Murimuth, p. 73. ‡ Froiſſart, liv. 1. chap. 29.

only abandoned him, but profecuted him with violence: Robert, incapable of bearing difgrace, left the kingdom, and hid himfelf in the Low Countries: Being chaced from that retreat, by the authority and menaces of Philip, he came over to England, was favourably received by Edward *, and was foon admitted into the councils and fhared the confidence of that monarch. Abandoning himfelf to all the movements of rage and defpair, he endeavoured to revive the prepoffeffions entertained by Edward in favour of his title to the crown of France, and even flattered him, that it was not impoffible for a prince of his valour and abilities, to render his claim effectual. The King was the more difpofed to hearken to fuggeftions of this nature, becaufe he had, in feveral particulars, complaints againft Philip's conduct with regard to Guienne, and becaufe that prince had both given protection to the exiled David Bruce, and fupported, or at leaft encouraged the Scots in their ftruggles for independancy. Thus refentment gradually filled the breafts of the two monarchs, and made them incapable of hearkening to any terms of accommodation, propofed by the Pope, who never ceafed interpofing his good offices between them. Philip thought, that he would be wanting to the firft principles of policy, if he abandoned Scotland: Edward pretended, that he muft relinquifh all pretenfions to generofity, if he withdrew his protection from Robert d'Artois. The former, informed of fome preparations for hoftilities, which had been made by his rival, iffued a fentence of felony and forfeiture againft Robert d'Artois, and declared, that every vaffal of the crown, whether *within* or *without* the kingdom, who gave countenance to that traitor was involved in the fame fentence; a menace eafy to be underftood: The latter, refolute not to yield, endeavoured to form alliances in the Low Countries and on the frontiers of Germany, the only places from which he either could make an effectual attack upon France, or produce fuch a diverfion as might fave the province of Guienne, which lay fo much expofed to the power of Philip. Chap. XV. 1337.

Preparations for war with France.

THE King began with opening his intentions to the count of Hainault, his father in law; and having engaged him in his intereffs, he employed the good offices and councils of that prince in drawing into his alliance the other fovereigns of that neighbourhood. The duke of Brabant was induced, by his mediation, and by large remittances of money from England, to promife his concurrence †: The archbifhop of Cologn, the duke of Guelders, the marquis of Juliers, the count of Namur, the lords of Fauquemont and Baquen, were engaged by like motives to embrace the Engliffh alliance ‡. Thefe fovereigns could fupply, either from their own ftates or from the bordering countries, great numbers of war-

* Rymer, vol. 4. p. 747. Froiffart, liv. 1. chap. 27.
† Rymer, vol. 4. p. 777.
‡ Froiffart, liv. 4. chap. 29, 33, 36.

Chap. XV. 1337. like troops; and nought was wanting to make the force on that quarter very formidable but the acceſſion of Flanders; which Edward procured by means ſomewhat extraordinary and unuſual.

As the Flemings were the firſt people in the northern parts of Europe, who cultivated arts and manufactures, the lower ranks of men in that province had riſen to a degree of riches unknown elſewhere to thoſe of their ſtation in that barbarous age, had acquired privileges and independance, and began to emerge from that ſtate of vaſſalage, or rather of ſlavery, into which the common people had been univerſally thrown by the feudal inſtitutions. It was probably difficult for them to bring their ſovereign and their nobility to conform themſelves to the principles of law and civil government, ſo much neglected in every other country: It was impoſſible for them to confine themſelves within the proper bounds in their oppoſition and reſentment: They had riſen in tumults: Had inſulted the nobles: Had chaced their earl into France: And delivering themſelves over to the guidance of a ſeditious leader, had practiced all thoſe inſolences and diſorders, which the thoughtleſs and enraged populace are ſo much inclined to commit, wherever they are ſo unfortunate as to be their own maſters*.

THEIR preſent leader was James d'Arteville, a brewer in Ghent, who governed them with a more abſolute ſway than ever had been aſſumed by any of their lawful ſovereigns: He placed and diſplaced the magiſtrates at his pleaſure: He was accompanied with a guard, who on the leaſt ſignal from him, inſtantly aſſaſſinated any man who happened to fall under his diſpleaſure: All the cities of Flanders were full of his ſpies; and it was immediate death to give him the ſmalleſt umbrage: The few nobles, who remained in the country, lived in continual terror of his violence: He ſeized the eſtates of all thoſe whom he had either baniſhed or murdered; and beſtowing a part on their wives and children, converted the remainder to his own uſe†. Such were the firſt effects, which Europe ſaw, of popular violence; after having groaned, during ſo many centuries, under monarchical and ariſtocratical tyranny.

JAMES D'ARTEVILLE was the man, to whom Edward applied himſelf for bringing over the Flemings to his intereſt; and that prince, the moſt haughty and moſt aſpiring of his age, never courted any ally with ſo much aſſiduity and ſo many ſubmiſſions, as he employed towards this ſeditious and criminal mechanic. D'Arteville, proud of theſe advances from the King of England, and ſenſible, that the Flemings were naturally inclined to maintain connexions with the Engliſh, who furniſhed them the materials of their woollen manufactures, the chief

* Froiſſart, liv. 1, chap. 30. Meyerus. † Froiſſart, liv. 1. chap. 30.

ſource

ſource of their opulence, readily embraced the intereſts of Edward, and invited him over into the Low Countries. Edward, before he entered on this great enterprize, affected to conſult his parliament, aſked their advice, and obtained their conſent *. And the more to ſtrengthen his hands, he obtained from them a grant of 20,000 ſacks of wool; which might amount to above a hundred thouſand pounds: This wool was a good inſtrument to employ with the Flemings; and the price of it with his German allies. He compleated the other neceſſary ſums by loans, by pawning the crown jewels, by confiſcating or rather robbing at once all the Lombards, who now exerciſed the invidious trade, formerly monopolized by the Jews, of lending on intereſt †; and being attended with a body of Engliſh forces, and with ſeveral of his nobility, he ſailed over into Flanders. Chap. XV. 1337.

THE German princes, in order to juſtify their unprovoked hoſtilities againſt France, had required the ſanction of ſome legal authority; and Edward, that he might give them ſatisfaction on this head, had applied to Lewis of Bavaria, then emperor, and had been created by him *vicar of the empire*; an empty title, but which ſeemed to give him a right of commanding the ſervice of the princes of Germany ‡. The Flemings, who were vaſſals of France, pretending like ſcruples with regard to the invaſion of their liege lord; Edward, by the advice of d'Arteville, aſſumed, in his commiſſions, the title of King of France, and, by virtue of this right, challenged their aſſiſtance for dethroning Philip de Valois, the uſurper of his kingdom §. This ſtep, which, he feared, would deſtroy all future amity between the kingdoms, and beget endleſs and implacable jealouſies in France, was not taken by him without much reluctance and heſitation: And as it was not in itſelf very juſtifiable, it was in the iſſue attended with many miſeries to both nations. From this period we may date the commencement of that great animoſity, which the Engliſh have ever ſince borne to the French, which has ſo viſible an influence on all future tranſactions, and which has been, and continues to be the ſpring of many raſh and precipitate reſolutions among them. In all the preceding reigns ſince the conqueſt, the hoſtilities between the two crowns had been only caſual and temporary; and never being attended with any bloody or dangerous events, the traces of them were eaſily obliterated by the firſt treaty of pacification. The Engliſh nobility and gentry valued themſelves on their French or Norman extraction: They affected to employ the language of that country in all public tranſactions, and even in familiar converſation: And as both the Engliſh court and camp were always full of nobility, who came from ſome province or other of France, the two people were during 1338.

* Cotton's Abridg. † Dugd. Baron. vol. 2. p. 146. ‡ Froiſſart, liv. 1. chap. 35.
§ Heming. p. 303. Walſingham, p. 143.

Chap. XV. 1338. several centuries more intermingled together than any two distinct nations, whom we meet with in history. But the fatal pretensions of Edward III. dissolved all these connexions, and left the seeds of great animosity in both countries, especially among the English. For it is remarkable, that this latter nation, tho' they were commonly the aggressors, and by their success and situation were enabled to commit the most cruel injuries on the other, have always retained a stronger tincture of national antipathy; nor is their hatred retaliated on them to an equal degree by the French. That country lies in the middle of Europe, has been successively engaged in hostilities with all its neighbours, the popular prejudices have been diverted into many channels, and, among a people of softer manners, they never rose to a great height against any particular nation.

PHILIP made great preparations against the attack of the English, and such as seemed more than sufficient to secure him from the danger. Besides the concurrence of all the nobility in his own populous and warlike kingdom, his foreign alliances were both more cordial and powerful than those which were formed by his antagonist. The Pope, who, at this time, lived in Avignon, was dependant on France, and being disgusted at the connexions between Edward and Lewis of Bavaria, whom he had excommunicated, he embraced with zeal and sincerity the cause of the French monarch. The King of Navarre, the duke of Britanny, the count de Bar were in the same interests; and on the side of Germany, the King of Bohemia, the palatine, the dukes of Lorraine and Austria, the bishop of Liege, the counts de Deuxpont, Vaudemont, and Geneva. The allies of Edward were in themselves weaker; and having no other object, but his money, which began to be exhausted, they were very slow in their motions and very irresolute in their measures. The duke of Brabant, the most powerful among them, seemed even 1339. inclined to withdraw himself wholly from the alliance; and the King was necessitated, both to give the Brabanters new privileges in trade, and to contract his son Edward with the daughter of that prince, ere he could bring him to fulfill his engagements. The summer was wasted in conferences and negotiations before Edward could lead his armies into the field; and he was obliged, in order to allure his German allies into his measures, to pretend that the first attack should be made upon Cambray, a city of the empire which had been garrisoned by Philip *. But finding by a nearer inspection the difficulty of the enterprize upon this place, he conducted them towards the frontiers of France; and he there found, by a sensible proof, the vanity of his expectations: The count de Namur, and even the count de Hainault, his brother-in-law (for the old count was dead) re-

* Froissart, liv. 1. chap. 39. Heming. p. 305.

fused

fused to commence hostilities against their liege lord, and retired with all their troops *. So little account did they make of Edward's pretensions to the crown of France! Chap. XV. 1339.

The King however entered the enemy's country, and encamped on the fields of Vironfosse near Capelle, with an army of near 50,000 men, composed almost entirely of foreigners. Philip came within sight of him with an army of near double his force, composed chiefly of native subjects; and it was daily expected that a battle would have ensued. But the English monarch was averse to engage against so great an inequality: The French thought it sufficient if he eluded the attacks of his enemy, without running any unnecessary hazard. The two armies faced one another for some days: Mutual defiances were sent: And Edward, at last, retired backwards into Flanders, and dispersed his army †. War with France.

Such was the fruitless and almost ridiculous conclusion of all Edward's mighty preparations; and as his measures were the most prudent, that could be embraced in his situation, he might learn from experience in what a hopeless enterprize he was engaged. His expences, tho' they had led to no end, had been consuming and destructive: He had contracted near 300,000 pounds of debt ‡; he had anticipated all his revenue; he had pawned every thing of value, which belonged either to himself or his queen; he was obliged in some measure even to pawn himself to his creditors, by desiring their permission to go over to England, in order to procure supply, and by promising on his word of honour to return in person, if he did not remit them their money.

But he was a prince of too much spirit to be discouraged by the first difficulties of an undertaking; and he was anxious to retrieve his honour by more successful and more gallant enterprizes. For this purpose, he had, during the course of the campaign, sent orders to summon a parliament by his son Edward, whom he had left with the title of guardian, and to demand of them some supply in his urgent necessities. The barons seemed inclined to grant his request; but the knights, who often, at this time, acted as a separate body from the burgesses, made some scruple of taxing their constituents, without asking their consent; and they desired the guardian to summon a new parliament, who might be properly empowered for that purpose. The situation of the King and parliament was, for the time, nearly similar to that which they constantly fell into about the beginning of the last century; and similar consequences began visibly to appear. The King, sensible of the frequent demands which he would be obliged to make on his people, had been anxious to ensure to his friends a seat in the house of commons,

* Froissart, liv. 1. chap. 39. † Froissart, liv. 1. chap. 41, 42, 43. Heming. p. 307. Walsing. p. 143. ‡ Cotton's Abridg. p. 17.

and

Chap. XV. 1339. and at his inſtigation, the ſheriffs and other placemen had made intereſt to be elected into that aſſembly; an abuſe which the knights deſired the King to correct by the tenor of his writ of ſummons, and which was accordingly remedied. On the other hand, the knights profeſſedly annexed conditions to their intended grant, and required a conſiderable retrenchment of the royal prerogatives, particularly with regard to purveyance, and the levying the antient feudal aids for knighting the King's eldeſt ſon, and marrying his eldeſt daughter. The new parliament, called by the Guardian, retained the ſame free ſpirit; and tho' they offered a large ſupply of 30,000 ſacks of wool, no buſineſs was concluded; becauſe the conditions, which they annexed appeared too high to be compenſated by a temporary conceſſion. But when Edward himſelf came over to England, he ſummoned another parliament, and he had the intereſt to procure a ſupply on more moderate terms. A confirmation of the two charters and of the privileges of boroughs, a pardon for old debts and treſpaſſes, and a remedy for ſome abuſes in the execution of common law, were the chief conditions inſiſted on; and the King in return for his conceſſions on theſe heads, obtained from the barons and knights an unuſual grant for two years of the ninth ſheaf, lamb, and fleece on their eſtates, and from the burgeſſes, a ninth of their moveables at their true value. The whole parliament alſo granted a duty of forty ſhillings on each ſack of wool exported, on each three hundred wool-fells, and on each laſt of leather for the ſame term of years; but dreading the arbitrary ſpirit of the crown, they expreſsly declared, that this grant was to continue no longer, and was not to be drawn into precedent. Being ſoon after ſenſible, that this ſupply, tho' conſiderable and very unuſual in that age, would come in ſlowly, and would not anſwer the King's urgent neceſſities, both from his paſt debts, and his preparations for war; they agreed, that 20,000 ſacks of wool ſhould immediately be granted him, and their value be deducted from the ninths, which were afterwards to be levied.

But there appeared, at this time, another jealouſy in the parliament, which was very reaſonable, and was founded on a ſentiment that ought to have engaged them rather to check than ſupport the King in all thoſe ambitious projects, ſo little likely to prove ſucceſsful, and ſo dangerous to the nation, if they did. Edward, who, before the commencement of the former campaign, had, in ſeveral commiſſions, aſſumed the title of King of France, now more openly, in all public deeds, gave himſelf that appellation, and always quartered the arms of France with thoſe of England in all his ſeals and enſigns. The parliament thought proper to obviate the conſequences of this meaſure, and to declare, that they owed him no obedience as King of France, and that the two kingdoms muſt forever remain

remain distinct and independant *. They undoubtedly foresaw, that France, if subdued, would in the end prove the seat of government; and they deemed this previous protestation necessary, in order to prevent their becoming a province under that monarchy. A very frail security, if the event had really taken place! Chap. XV.

As Philip was apprized, from the preparations, which were making both in England and the low countries, that he must expect another invasion from Edward, he fitted out a great fleet of 400 vessels, manned with 40,000 men; and he stationed them off Sluise, with a view of intercepting the King in his passage. The English navy was much inferior in number, consisting only of 240 ships; but whether it was by the superior abilities of Edward, or the greater dexterity of his seamen, they gained the wind of the enemy, and had the sun in their backs; and with these advantages began the action. The battle was fierce and bloody: The English archers, whose force and address, were now much celebrated, galled the French on their approach: And when the ships grappled together, and the contest became more steady and furious, the example of the King, and of so many gallant nobles, who accompanied him, animated to such a degree the seamen and soldiery, that they maintained every where a superiority over the enemy. The French also had been guilty of some imprudence in stationing themselves so near the coast of Flanders, and choosing that place for the scene of action. The Flemings, descrying the battle, hurried out of their ports, and brought a re-inforcement to the English; which, coming unexpectedly, had a greater effect than in proportion to its power and numbers. Two hundred and thirty French ships were taken: Thirty thousand Frenchmen were killed, with two of their admirals: The loss of the English was inconsiderable, compared to the greatness and importance of the victory †. None of Philip's courtiers, it is said, dared to inform him of the event; till his fool or jester gave him a hint, by which he discovered the loss that he had sustained ‡. 1340. Naval victory 13th June.

The lustre of this great success added to the King's authority among his allies, who assembled their forces with expedition, and joined the English army. Edward marched to the frontiers of France at the head of 100,000 men, consisting chiefly of foreigners, a more numerous army than, either before or since, has ever been commanded by any King of England §. At the same time, the Flemings, to the amount of 50,000 men, marched out under the command of Robert d'Artois, and laid siege to St. Omer; but this tumultuous force, composed en-

* 14 Edward III. † Froissart, liv. 1. chap. 51. Avesbury, p. 56. Heming. p. 321.
‡ Walsing. p. 148. § Rymer, vol. 5. p. 197.

Chap. XV. 1340. tirely of tradeſmen, unexperienced in war, was routed by a ſally of the garriſon, and notwithſtanding the abilities of their leader, was thrown into ſuch a panic, that they were inſtantly diſperſed, and never after appeared in the field. The enterprizes of Edward, tho' not attended with ſo inglorious an iſſue, proved equally vain and fruitleſs. The King of France had aſſembled an army more numerous than the Engliſh; was accompanied with all the chief nobility of his kingdom; was attended by many foreign princes, and even by three monarchs, the Kings of Bohemia, Scotland and Navarre *: Yet he ſtill adhered to the prudent reſolution of putting nothing to hazard, and after throwing ſtrong garriſons into all the frontier towns, he retired backwards, perſuaded, that the enemy, having waſted their force in ſome tedious and unſucceſsful enterprize, would afford him an eaſy victory.

TOURNAY was at that time one of the moſt conſiderable cities of Flanders, containing above 60,000 inhabitants of all ages, who were affectionate to the French government; and as the ſecret of Edward's deſigns had not been ſtrictly kept, Philip learned, that the Engliſh, in order to gratify their Flemiſh allies, had intended to open the campaign with the ſiege of this place: He took care therefore to ſupply it with a garriſon of 14,000 men, commanded by the braveſt nobility of France; and he reaſonably expected, that theſe forces, joined to the inhabitants, would be able to defend the city againſt all the efforts of the enemy. Accordingly, Edward, when he commenced the ſiege, about the end of July, found every where an obſtinate reſiſtance: The valour of the one ſide was encountered with equal valour by the other: Every aſſault was repulſed and proved unſucceſsful: And the King was at laſt obliged to turn the ſiege into a blockade, in hopes, that the great numbers of the garriſon and inhabitants, which had enabled them to defend themſelves againſt his attacks, would but expoſe them to be the more eaſily reduced by famine †. The count d'Eu, the governor, as ſoon as he perceived that the Engliſh had formed this plan of operations, endeavoured to ſpare his proviſions, by expelling all the uſeleſs mouths; and the duke of Brabant, who wiſhed no ſucceſs to Edward's enterprize, gave every one a free paſſage thro' his quarters.

AFTER the ſiege had continued ten weeks, the city was reduced to diſtreſs; and Philip, recalling all his ſcattered garriſons, advanced at the head of a mighty army, within three leagues of the Engliſh camp, with an intention of ſtill avoiding any deciſive action, but of ſeeking ſome opportunity to throw relief into the place. Here, Edward, irritated with the ſmall progreſs which he had hitherto made,

* Froiſſart, liv. 1. chap. 57. † Froiſſart, liv. 1. chap. 54.

and with the disagreeable prospect that lay before him, sent Philip a defiance by a herald; and challenged him to decide their claims for the crown of France, either by single combat, or by an action of a hundred against a hundred, or by a general engagement. But Philip replied, that Edward having done homage to him for his dutchy of Guienne, and having solemnly acknowledged his superiority, it by no means became him to send a defiance to his liege lord and sovereign: That he was confident, notwithstanding all his preparations, and his conjunction with the rebellious Flemings, to be able soon to chace him from the frontiers of France: That as Edward's hostilities had prevented him from executing his purposed croisade against the infidels, he trusted in the assistance of the Almighty, who would reward his pious intentions, and punish the aggressor, whose ill grounded claims had rendered them ineffectual: That Edward proposed a duel on very unequal terms, and offered to hazard only his own person, against both the kingdom of France, and the person of the King: But that if he would encrease the stake, and put also the kingdom of England on the issue of the duel, he would, notwithstanding that the terms would still be unequal, very willingly accept of his challenge *. It was easy to see that these mutual bravadoes were intended only to dazle the populace, and that the two kings were too wise to think of executing their pretended purpose. Chap. XV. 1340.

While the French and English armies lay in this situation, and a general action was every day expected, Jane countess dowager of Hainault interposed with her good offices, and endeavoured to conciliate peace between the contending monarchs, and to prevent any farther effusion of blood. This princess was mother in-law to Edward, and sister to Philip; and tho' she had taken the vows in a convent, and had abandoned the world, she left her retreat on this occasion, and employed all her pious efforts to allay those animosities, which had taken place between persons so nearly related to her, and to each other. As Philip had no material claims upon his antagonist, she found him to hearken very willingly to the proposals; and even the haughty and ambitious mind of Edward, convinced of his fruitless attempt, was not averse to her negociation. He was sensible from experience, that he had engaged in an enterprize which far exceeded his force; and that the power of England was never likely to prevail over that of a superior kingdom, firmly united under an able and prudent monarch. He discovered, that all the allies, whom he could gain by negotiation, were at bottom averse to his enterprize; and tho' they might second it to a certain length, would immediately detach themselves, and oppose its final accomplishment, if ever they could be brought to

* Du Tillet, Recueil de Traitez, &c. Heming. p. 325, 326. Walsing. p. 149.

Chap. XV. 1340. think, that there was ſeriouſly any danger of it. He even ſaw, that their chief purpoſe was to obtain money from him; and as his ſupplies from England came in very ſlowly, and had much diſappointed his expectations, he was convinced of their growing indifference in his cauſe, and of their zeal to embrace all plauſible terms of accommodation. Convinced at laſt, that an undertaking muſt be imprudent, which could only be ſupported by means ſo unequal to the end, he concluded a truce, which left both parties in poſſeſſion of their preſent acquiſitions, and ſtopped all farther hoſtilities on the ſide of the low countries, Guienne and Scotland, till Midſummer next *. A negotiation was ſoon after opened at Arras, under the mediation of the Pope's legates, and the truce was attempted to be converted into a ſolid peace. Edward here required that Philip ſhould free Guienne from all claims of ſuperiority, and entirely abandon the protection of Scotland: But as he ſeemed not any wiſe entitled to make ſuch exorbitant demands, from either his paſt ſucceſſes, or future proſpects, they were totally rejected by Philip, who agreed only to a prolongation of the truce.

3d Septr.

THE King of France ſoon after detached the emperor Lewis from the alliance of England, and engaged him to revoke the title of imperial vicar, which he had conferred on Edward †. The King's other allies on the frontiers of France, diſappointed in their hopes, gradually withdrew from the confederacy. And Edward himſelf, harraſſed by his numerous and impatient creditors, was obliged to make his eſcape by ſtealth into England.

Domeſtic diſturbances.

THE unuſual impoſition of a ninth ſheaf, lamb and fleece, laid on by the parliament, together with the great want of money, and ſtill more, of credit in England, had rendered the remittances to Flanders ſo backward; nor could it be expected, that any expeditious methods of collecting a tax, which was ſo new in itſelf, and which yielded only a gradual produce, could poſſibly be contrived by the King or his miniſters. And tho' the parliament, foreſeeing the inconvenience, had granted, as a preſent reſource, 20,000 ſacks of wool, the only Engliſh goods which bore a certain price in foreign markets, and were the next to ready money; it was impoſſible, but the ſeizing of ſuch a bulky commodity, the gathering of it from different parts of the kingdom, and the diſpoſing of it abroad, muſt take up much more time than the urgency of the King's affairs would permit, and occaſion all the diſappointments complained of, during the courſe of the campaign. But tho' nothing had happened, which Edward might not reaſonably have foreſeen, he was ſo irritated with the unfortunate iſſue of his military operations, and ſo much

* Froiſſart, liv. 1. chap. 64. Aveſbury, p. 65. Knyghton, p. 2580.

† Heming. p. 352. Ypod. Neuſt. p. 514.

vexed

vexed and affronted by his foreign creditors, that he was determined to throw the blame somewhere off himself, and he came in very bad humour into England. He discovered his present disposition by the first act which he performed after his arrival: As he landed unexpectedly, he found the Tower somewhat unguarded; and he immediately committed to prison the constable and all others who had the charge of that fortress; and he treated them with unusual rigour *. His vengeance fell next on the officers of the revenue, the sheriffs, the collectors of taxes, the undertakers of all kinds; and besides turning all of them out of their offices, he appointed commissioners to enquire into their conduct; and these men, in order to gratify the King's humour, were sure not to find any person innocent, who came before them †. Sir John St. Paul, keeper of the privy seal, Sir John Stonore, lord chief justice, Andrew Aubrey, mayor of London, were displaced and imprisoned; as were also the bishop of Chichester, chancellor, and the bishop of Lichfield, treasurer. Stratford, archbishop of Canterbury, on whom the charge of collecting the new taxes had been chiefly laid, fell likewise under the King's displeasure; but being absent at the time of Edward's first arrival, he escaped feeling the immediate effects of it. Chap. XV. 1340.

THERE were strong reasons, which might discourage the Kings of England, in those ages, from bestowing the chief offices of the crown on prelates and other ecclesiastical persons. These men had so entrenched themselves in privileges and immunities, and pretended so openly to be exempt from all secular jurisdiction, that no civil penalty could be inflicted on them for any malversation in office; and as even treason itself was declared to be no canonical offence, nor was allowed to be a sufficient reason for deprivation or other spiritual censures, that order of men had ensured to themselves almost a total impunity, and were not bound by any political laws or statutes. But, on the other hand, there were many peculiar causes which favoured their promotion. Besides that they possessed almost all the learning of the age, and were best qualified for civil employments; the prelates enjoyed equal dignity with the greatest barons, and gave weight, by their personal authority, to the powers entrusted with them: While, at the same time, they endangered not the crown by accumulating wealth or influence in their families, and were restrained, by the decency of their character, from that open rapine and violence, so often practised by the nobles. These motives had induced Edward, as well as many of his predecessors, to entrust the chief parts of his government in the hands of ecclesiastics; at the hazard of seeing them disown his authority so soon as it was turned against them.

* Ypod. Neust. p. 513. † Avesbury, p. 70. Heming. p. 326. Walsingham, p. 150.

THIS

Chap. XV. 1341. THIS was the caſe with archbiſhop Stratford. That prelate, informed of Edward's indignation againſt him, prepared himſelf for the ſtorm; and not content with ſtanding upon the defenſive, he reſolved, by beginning the attack, to ſhow the King, that he knew the privileges of his character, and had courage to maintain them. He iſſued a general ſentence of excommunication againſt all, who, on any pretext, exerciſed violence on the perſon or goods of clergymen; who infringed thoſe privileges ſecured by the great charter, and by the eccleſiaſtical canons; or who accuſed a prelate of treaſon or any other crime, in order to bring him under the King's diſpleaſure *. Even Edward had reaſon to think himſelf ſtruck at by this ſentence; both on account of the impriſonment of the two biſhops and that of other clergymen concerned in levying the taxes, and on account of his ſeizing their lands and moveables, that he might make them anſwerable for any ballance, which remained in their hands. The clergy, with the primate at their head, were now formed into a regular combination againſt the King; and many calumnies were ſpread againſt him, in order to deprive him of the confidence and affections of his people; that he intended to recal the general pardon, and the remiſſion of old debts which he had granted, and to impoſe new and arbitrary taxes without conſent of parliament. The archbiſhop went ſo far, in a letter to the King himſelf, as to tell him, that there were two powers, by which the world was governed, the holy pontifical apoſtolic dignity, and the royal ſubordinate authority: That of theſe two powers, the clerical was evidently the ſupreme, ſince the prieſts were to anſwer, at the tribunal of the divine judgment, for the conduct of kings themſelves: That the clergy were the ſpiritual fathers of all the faithful, and amongſt others of kings and princes; and were intitled, by a heavenly charter, to direct their wills and actions, and to cenſure their tranſgreſſions: And that prelates had heretofore cited emperors before their tribunal, had tried their life and behaviour, and had anathematized them for their obſtinate offences †. Theſe topics were not well calculated to appeaſe Edward's indignation; and when he called a parliament, he ſent not to the primate, as to the other peers, a ſummons to appear in it. Stratford was not diſcouraged with this mark of neglect or anger: He appeared before the gates, arrayed in his pontifical robes, holding the croſier in his hand, and attended with a pompous train of prieſts and prelates; and he required admittance to his ſeat as the firſt and higheſt peer of the realm. For two days, the King denied him entrance: But either ſenſible, that this affair might be attended with dangerous conſequences, or that in his impatience he had groundleſsly accuſed the primate

* Heming. p. 339. Ang. Sacra, vol. 1. p. 21, 22. Walſingham, p. 153. † Anglia Sacra, vol. 1. p. 27.

of

of malverſation in his office, which ſeems really to have been the caſe; he at laſt permitted him to take his ſeat, and was reconciled to him *. Chap. XV. 1341.

EDWARD now found himſelf in a very bad ſituation both with his own people and with foreign ſtates; and it required all his genius and capacity to extricate himſelf from ſuch multiplied difficulties and embarraſſments. His unjuſt and exorbitant claims on France and Scotland had engaged him in an implacable war with theſe two kingdoms, his neareſt neighbours: He had loſt almoſt all his foreign alliances by his irregular payments: He was deeply involved in debts, for which he owed a conſuming intereſt: His military operations had vaniſhed into ſmoke; and except his naval victory, none of them had been attended even with glory or renown, either to himſelf or to the nation: The animoſity between him and the clergy was open and declared: The people were diſcontented on account of many arbitrary meaſures, in which he had been engaged: And what was more dangerous, the nobility, taking advantage of his preſent neceſſities, were determined to retrench his power, and by encroaching on the antient prerogatives of the crown, to acquire to themſelves independance and authority. But the aſpiring genius of Edward, which had ſo far tranſported him beyond the bounds of diſcretion, proved at laſt ſufficient to re-inſtate him in his former authority, and finally to render his reign the moſt triumphant which is to be met with in Engliſh ſtory: Tho' for the preſent he was obliged, with ſome loſs of honour, to yield to the current, which bore ſo ſtrongly againſt him.

THE parliament framed an act, which was likely to produce conſiderable innovations in the government. They premiſed, that, whereas the great charter had, to the manifeſt peril and ſlander of the King and damage of his people, been violated in many points, particularly by the impriſonment of free men and the ſeizure of their goods, without ſuit, indictment or trial, it was neceſſary to confirm it anew, and to oblige all the chief officers of the law, together with the ſteward and chamberlain of the houſhold, the keeper of the privy ſeal, the controller and treaſurer of the wardrobe, and thoſe who were entruſted with the education of the young prince, to ſwear to the regular obſervance of it. They alſo remarked, that the peers of the realm had formerly been arreſted and impriſoned, and diſpoſſeſſed of their temporalities and lands, and even ſome of them put to death, without judgment of their peers; and they therefore enacted that ſuch violences ſhould henceforth ceaſe, and no peer be puniſhed but by the award of his peers *in parliament*. They required, that, whenever any of the great offices abovementioned ſhould become vacant, the King ſhould fill it by the advice of

* Anglia Sacra, vol. 1. p. 38, 39, 40, 41.

his

Chap. XV. 1341. his council, and the consent of other great men, who should at that time be found to reside in the neighbourhood of the court. And they enacted, that on the third day of every session, the King should resume into his own hands all these offices, except those of justices of the two benches and the barons of exchequer; that these ministers should for the time be reduced to private persons; that they should in that condition answer before the parliament to any accusations brought against them; and that, if they were found any wise guilty, they should finally be dispossessed of their offices, and more sufficient persons be substituted in their place *. By these last regulations, the barons approached as near as they dared to those restrictions, which had formerly been imposed on Henry III. and Edward II. and which, from the dangerous consequences attending them, had become so generally odious, that they neither expected to have the concurrence of the people in demanding them, nor the assent of the present King in granting them.

In return for these important concessions, the parliament profered the King a grant of 20,000 sacks of wool; and his wants were so urgent from the clamours of his creditors, and the demands of his foreign allies, that he was obliged to accept of the supply on these hard conditions. He ratified this statute in full parliament; but he *secretly* entered a protest of such a nature as was sufficient, one should imagine, to destroy for the future all trust and confidence with his people: He declared, that, so soon as his convenience permitted, he would, from his own authority, revoke what had been extorted from him †. Accordingly, he was no sooner possessed of the parliamentary supply, than he issued an edict, which contains many extraordinary positions and pretensions. He first asserts, that that statute had been enacted contrary to the law; as if a free legislative body could ever do any thing illegal. He next affirms, that, as it was hurtful to the prerogatives of the crown which he was sworn to defend, he had only dissembled, when he seemed to ratify it, but that he had never in his own breast given his assent to it. He does not pretend, that either he or the parliament lay under any force; but only that some inconvenience would have ensued had he not seemingly given his assent to that pretended statute. He therefore, with the advice of his council and of some earls and barons, abrogates and annulls it; and tho' he professes himself willing and determined to observe such articles of it as were formerly law, he declares it to have thenceforth no force or authority ‡. The parliaments, who were afterwards assembled, took no notice of this arbitrary ex-

* 15 Edw. III. † Statutes at large: 15 Edw. III. That this protest of the King's was *secret* appears evidently, since otherwise it would have been ridiculous in the parliament to have accepted of his assent: Besides the King owns that he *dissembled*, which would not have been the case, had his protest been public. ‡ Statutes at large, 15 Edw. III.

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ertion of royal power, which by a parity of reaſon left all their laws at the mercy of the King; and during the courſe of two years, Edward had ſo far re-eſtabliſhed his influence, and freed himſelf from his preſent neceſſities, that he then obtained from his parliament a legal repeal of the obnoxious ſtatute *. This tranſaction certainly contains remarkable circumſtances, which diſcover the manners and ſentiments of the age, and may prove what inaccurate work might be expected from ſuch rude hands, when employed in legiſlation, and in rearing the delicate fabric of laws and a conſtitution. Chap. XV. 1341.

But tho' Edward had happily recovered his authority at home, which had been impaired by the events of the French war, he had undergone ſo many mortifications from that attempt, and ſaw ſo little proſpect of ſucceſs, that he would probably have dropt his claim, had not a revolution in Brittany opened to him more promiſing views, and given his enterprizing genius a full opportunity of diſplaying itſelf.

John III. duke of Brittany, had, ſome years before his death, found himſelf declining thro' age and infirmities; and having no iſſue, he was ſolicitous to prevent thoſe diſorders, to which, on the event of his deceaſe, a diſputed ſucceſſion might expoſe his ſubjects. His younger brother, the count de Penthievre, had left only one daughter, whom the duke deemed his heir; and as his family had inherited the dutchy by a female ſucceſſion, he thought her title preferable to that of the count de Mountfort, who, being his brother by a ſecond marriage, was the male heir of that principality †. He accordingly propoſed to beſtow her in marriage on ſome perſon, who might be able to defend her rights; and he caſt his eye on Charles de Blois, nephew of the King of France, by his mother, Margaret de Valois, ſiſter to that monarch. But as he both loved his ſubjects and was beloved by them, he determined not to take this important ſtep without their approbation; and having aſſembled the ſtates of Brittany, he repreſented to them the advantages of that alliance, and the proſpect, which it gave, of an entire ſettlement of his ſucceſſion. The Bretons willingly concurred in his choice: The marriage was concluded: All his vaſſals, and among the reſt, the count de Mountfort, ſwore fealty to Charles and to his ſpouſe as to their future ſovereigns: And every danger of civil commotions ſeemed to be obviated, as far as human prudence could provide a remedy againſt them. Affairs of Brittany.

But on the death of this good prince, the ambition of the count de Mountfort broke thro' all theſe regulations, and kindled a war, not only dangerous to Brittany, but to a great part of Europe. While Charles de Blois was ſolliciting at

* Cotton's Abridgm. p. 38, 39.

† Froiſſart, liv. 1. chap. 64.

Chap. XV. 1341. the court of France the inveſtiture of the dutchy, Mountfort was active in acquiring immediate poſſeſſion of it, and by force or intrigue he made himſelf maſter of Rennes, Nantz, Breſt, Hennebonne, and all the moſt important forteſſes, and engaged many conſiderable barons to acknowledge his authority *. Senſible, that he could expect no favour from Philip, he made a voyage to England, on pretence of ſolliciting his claim to the earldom of Richmond, which had devolved to him by his brother's death; and offering to do homage to Edward, as King of France, for the dutchy of Brittany, he propoſed a ſtrict alliance for the ſupport of each other's pretenſions. Edward ſaw immediately the advantages attending this treaty: Mountfort, an active and valiant prince, cloſely united to him by intereſt, opened at once an entrance into the heart of France, and afforded him much more flattering views, than his allies on the ſide of Germany and the Low Countries, who had no ſincere attachment to his cauſe, and whoſe progreſs was alſo obſtructed by thoſe numerous fortifications, which had been raiſed on that frontier. Robert d'Artois was zealous in inforcing theſe conſiderations: The ambitious ſpirit of Edward was little diſpoſed to ſit down under thoſe repulſes, which he had received, and which, he thought, had ſo much injured his reputation: And it required a very ſhort negotiation to conclude a treaty of alliance between two men; who, tho' their pleas with regard to the preference of male or female ſucceſſion were directly oppoſite, were intimately connected by their common intereſts †.

Renewal of the war with France.

As this treaty was ſtill a ſecret, Mountfort, on his return, ventured to appear at Paris, in order to defend his cauſe before the court of peers; but obſerving Philip and his judges to be prepoſſeſſed againſt his title, and dreading their intentions of arreſting him, till he ſhould reſtore what he had ſeized by violence, he ſuddenly made his eſcape; and war immediately broke out between him and Charles de Blois ‡. Philip ſent his eldeſt ſon, the duke of Normandy, with a powerful army to the aſſiſtance of the latter; and Mountfort, unable to keep the field againſt his rival, remained in the city of Nantz, where he was beſieged. The city was taken by the treachery of the inhabitants: Mountfort fell into the hands of his enemies; was conducted as a priſoner to Paris; and was ſhut up in the tower of the Louvre §.

1342. THIS event ſeemed to put an end to the pretenſions of the count de Mountfort; but his affairs were immediately retrieved by an unexpected incident, which inſpired new life and vigour into his party. Jane of Flanders, counteſs of Mountfort, the

* Froiſſart, liv. 1. chap. 65, 66, 67, 68.
‡ Froiſſart, liv. 1. chap. 70, 71.
† Froiſſart, liv. 1. chap. 69.
§ Froiſſart, liv. chap. 73.

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moſt extraordinary woman of that age, was rouzed, by the captivity of her huſband, from thoſe domeſtic cares, to which ſhe had hitherto limited her genius; and ſhe courageouſly undertook to ſupport the falling fortunes of her family. No ſooner did ſhe receive the fatal intelligence, than ſhe aſſembled the inhabitants of Rennes, where ſhe then reſided; and carrying her infant ſon in her arms, deplored to them the calamity of their ſovereign, and recommended to their care the illuſtrious orphan, the ſole male remaining of their antient princes, who had governed them with ſuch indulgence and lenity, and to whom they had ever profeſſed ſuch a zealous attachment. She declared herſelf willing to run all hazards with them in ſo juſt a cauſe; diſcovered the reſources which ſtill remained in the alliance of England; and entreated them to make one effort againſt an uſurper, who, being impoſed on them by the arms of France, would in return make a ſacrifice to his protector of the antient liberties of Brittany. The audience, moved by the affecting appearance, and inſpirited by the noble conduct of the princeſs, vowed to live and die with her in defending the rights of her family: All the other fortreſſes of Brittany embraced the ſame reſolution: The counteſs went from place to place, encouraging the garriſons, providing them with every neceſſary for ſubſiſtance, concerting their plans of defence; and after ſhe had put the whole province in a proper poſture, ſhe ſhut herſelf up in Hennebonne, where ſhe waited with impatience the arrival of thoſe ſuccours, which Edward had promiſed her. Mean while, ſhe ſent over her ſon to England, both that ſhe might put him in a place of ſafety, and engage the King more ſtrongly, by ſuch a pledge, to embrace with zeal the intereſts of her family. Chap. XV. 1342.

Charles de Blois, anxious to make himſelf maſter of ſo important a fortreſs as Hennebonne, and ſtill more to take the counteſs priſoner, from whoſe vigour and capacity all the difficulties to his ſucceſſion in Brittany now proceeded, ſat down before the place with a great army, compoſed of French, Spaniards, Genoeſe, and ſome Bretons; and he conducted the attack with indefatigable induſtry*. The defence was no leſs vigorous: The beſiegers were repulſed in every aſſault: Frequent ſallies were made with ſucceſs by the garriſon: And the counteſs herſelf being the moſt forward in all military operations, every one was aſhamed not to do his duty to the utmoſt in this deſperate ſituation. One day ſhe perceived, that the beſiegers, entirely employed in an attack, had neglected a diſtant quarter of their camp; and ſhe immediately ſallied forth at the head of a body of 200 cavalry, threw them into confuſion, committed great ſlaughter upon them, and ſet fire to their tents, baggage and magazines: But when ſhe was about to return, ſhe found that ſhe was intercepted, and that a great body of the

* Froiſſart, liv. 1. chap. 81.

Chap. XV. 1342. enemy had thrown themſelves between her and the gates. She inſtantly took her reſolution; ſhe ordered her men to diſband, and to make the beſt of their way by flight to Breſt. She met them at the appointed place of rendezvous, collected another body of 500 horſe, returned to Hennebonne, broke unexpectedly thro' the enemies camp, and was received with ſhouts and acclamations by the garriſon, who, encouraged by this reinforcement, and by ſo rare an example of female valour, determined to defend themſelves to the laſt extremity.

THE reiterated attacks, however, of the beſiegers, had at length made ſeveral breaches in the walls; and it was apprehended, that a general aſſault, which was every hour expected, would overpower the garriſon, diminiſhed in their numbers, and extremely weakened with watching and fatigue. It became neceſſary to treat of a capitulation; and the biſhop of Leon was already engaged, for that purpoſe, in a conference with Charles de Blois, when the counteſs, who had mounted on a high tower, and was looking towards the ſea with great impatience, deſcried ſome ſails at a diſtance. She immediately exclaimed: *Behold the ſuccours! the Engliſh ſuccours! No capitulation*!* This fleet carried a body of Engliſh genſdarmes, and ſix thouſand archers, whom Edward had prepared for the relief of Hennebonne, but who had been long detained by contrary winds. They entered the harbour under the command of Sir Walter Manny, one of the braveſt captains of England; and having inſpired freſh courage into the garriſon, immediately ſallied forth, beat the beſiegers from all their poſts, and obliged them to decamp.

BUT notwithſtanding this ſucceſs, the counteſs of Mountfort found that her party, overpowered by ſuperior numbers, were declining in every quarter; and ſhe went over to ſollicit more effectual ſuccours from the King of England. Edward granted her a conſiderable reinforcement under Robert d'Artois; who embarked his troops on board a fleet of forty five ſhips and ſailed to Brittany. He was met in his paſſage by the enemy; an action enſued, where the counteſs behaved with her wonted valour, and charged the enemy ſword in hand; but the fleets, after a ſharp action, were ſeparated by a ſtorm, and the Engliſh arrived ſafely in Brittany. The firſt exploit of Robert d'Artois was the taking of Vannes, which he maſtered by conduct and addreſs †: But he ſurvived a very little time this proſperity. The Breton noblemen of the party of Charles aſſembled ſecretly in arms, attacked Vannes of a ſudden, and carried the place; chiefly by reaſon of an wound received by Robert d' Artois, of which he ſoon after died at ſea on his return to England ‡.

* Froiſſart, liv. 1. chap. 81. † Froiſſart, liv. 1. chap. 93. ‡ Froiſſart, liv. 1. chap. 94.

Chap. XV.

After the death of this unfortunate prince, the chief author of all the calamities, with which his country was overwhelmed for above a century, Edward undertook in perſon the defence of the counteſs of Mountfort; and as the laſt truce with France was now expired, the war, which the Engliſh and French had hitherto carried on as allies to the competitors for Brittany, is thenceforth conducted in the name and under the ſtandard of the two monarchs. The King landed at Morbian near Vannes, with an army of 12,000 men; and being maſter of the field, where no enemy dared to appear againſt him, he endeavoured to give a luſtre to his arms, by commencing at once three important ſieges, that of Vannes, of Rennes, and of Nantz. But by undertaking too much, he failed of ſucceſs in all his enterprizes. Even the ſiege of Vannes, which Edward in perſon conducted with vigour, advanced but ſlowly *; and the French had all the leiſure requiſite for making preparations againſt him. The duke of Normandy, eldeſt ſon of Philip, appeared in Brittany at the head of an army of 30,000 infantry and 4000 cavalry; and Edward was now obliged to draw together all his forces, and to entrench himſelf ſtrongly before Vannes, where the duke of Normandy ſoon after arrived, and in a manner inveſted the beſiegers. The garriſon and the French camp were plentifully ſupplied with proviſions; while the Engliſh, who dared to make no attempt upon the place in the preſence of a ſuperior army, drew all their ſubſiſtance from England, expoſed to the hazards of the ſea, and ſometimes to thoſe ariſing from the fleet of the enemy. In this dangerous ſituation, Edward very willingly hearkened to the mediation of the Pope's legates, the cardinals of Paleſtrine and Freſcati, who endeavoured to negotiate, if not a peace, at leaſt a truce between the two kingdoms. A treaty was concluded for a ceſſation of arms during three years †; and Edward had the ability, notwithſtanding his preſent dangerous ſituation, to procure to himſelf very equal and honourable terms. It was agreed, that Vannes ſhould be ſequeſtered, during the truce, in the hands of the legates, to be diſpoſed of afterwards as they pleaſed; and tho' Edward knew the partiality of the court of Rome towards his antagoniſt, he ſaved himſelf by this deviſe from the diſhonour of having undertaken a fruitleſs enterprize. It was alſo ſtipulated, that all priſoners ſhould be releaſed, that the places in Brittany ſhould remain in the hands of the preſent poſſeſſors, and that the allies on both ſides ſhould be comprehended in the truce ‡. Edward, ſoon after concluding this treaty, embarked with his army for England.

1342.

1343.

* Froiſſart, liv. 1. chap. 95. † Froiſſart, liv. 1. chap. 99. Aveſbury, p. 102.
‡ Heming. p. 359.

The

Chap. XV. 1343. THE truce, tho' calculated for a long time, was of very ſhort duration; and each monarch endeavoured to throw on the other the blame of its infraction. Of courſe, the hiſtorians of the two countries differ in their account of the matter. It ſeems probable, however, as is affirmed by the French writers, that Edward, in conſenting to the truce, had no other purpoſe than to extricate himſelf from a perilous ſituation, into which he had fallen, and was afterwards very careleſs of its obſervance. In all the memorials which remain on this ſubject, he complains chiefly of the puniſhment inflicted on Oliver de Cliſſon, Henry de Leon, and other Breton noblemen, who, he ſays, were partizans of the family of Mountfort, and conſequently under the protection of England *. But it appears from the hiſtory, that at the concluſion of the truce, thoſe noblemen had openly, by their declarations and actions, embraced the cauſe of Charles de Blois †; and if they had entered into any ſecret correſpondence and engagements with Edward, they were traitors to their party, and were juſtly puniſhable by Philip and Charles, for their breach of faith; nor had Edward any juſt ground of complaint againſt France for ſuch ſeverities. But when he laid theſe pretended injuries before the parliament, whom
1344. he affected to conſult on all occaſions, that aſſembly entered into the quarrel, adviſed the King not to be amuſed by a fraudulent truce, and granted him ſupplies for the renewal of the war: The counties were charged with a fifteenth for two years, and the boroughs with a tenth. The clergy conſented to give a tenth for three years.

THESE ſupplies enabled the King to complete his military preparations; and he ſent his couſin, Henry earl of Derby, ſon of the earl of Lancaſter, into Guienne, for the defence of that province ‡. This prince, the moſt accompliſhed of the Engliſh court, poſſeſſed in a high degree, the virtue of humanity as well as thoſe of valour and conduct §, and not content with protecting and cheriſhing the province committed to his charge, he made a very ſucceſsful invaſion on the enemy. He attacked the count de Laille, the French general at Bergerac, beat him from his entrenchments, and took the place. He reduced a great part of Perigord, and continually advanced in his conqueſts, till the count de Laille, having collected an army of ten or twelve thouſand men, ſat down before Auberoche, in hopes

* Rymer, vol. 5. p. 453, 454, 459, 466, 496. Heming. p. 376. † Froiſſart, liv. 1. chap. 96. p. 100. ‡ Froiſſart, liv. 1. chap. 103. Aveſbury, p. 121.

§ It is reported of this prince, that, having once, before the attack of a town, promiſed the ſoldiers the plunder, one private man happened to fall upon a great cheſt full of money, which he immediately brought to the earl, as thinking it too great for himſelf to keep poſſeſſion of it. But Derby told him, that his promiſe did not depend on the greatneſs or ſmallneſs of the ſum; and bid him keep it all for his own uſe.

of recovering that place, which had fallen into the hands of the Engliſh. The earl of Derby came upon him by ſurprize with only a thouſand cavalry, threw the French into diſorder, puſhed his advantages, and obtained a complete victory. De Laille himſelf, with many conſiderable nobles, was taken priſoner *. After this important advantage, Derby made a rapid progreſs in ſubduing the French provinces. He took Monſegur, Monpeſat, Villefranche, Miremont, and Tonnins, with the fortreſs of Damaſſen. Aiguillon, a fortreſs deemed impregnable, fell into his hands from the cowardice of the governor. Angouleme was ſurrendered after a ſhort ſiege. The only place, where he met with a conſiderable reſiſtance, was Reole, which, however, was at laſt reduced after a ſiege of above nine weeks †. Having made an attempt on Blaye, he thought it more prudent to raiſe the ſiege, rather than waſte his time, before a place of ſmall importance ‡. Chap. XV. 1345.

THE reaſon why Derby was permitted without oppoſition to make ſuch progreſs on the ſide of Guienne, was the difficulties under which the French finances then laboured, and which had obliged Philip to lay on new impoſitions, particularly the duty on ſalt, to the great diſcontent, and almoſt mutiny of his ſubjects. But after the court of France was ſupplied with money, great preparations were made; and the duke of Normandy, attended by the duke of Burgundy, and other great nobility, led towards Guienne a powerful army, which the Engliſh could not think of reſiſting in the open field. The earl of Derby ſtood on the defenſive, and allowed the French to carry on at leiſure the ſiege of Angouleme, which was their firſt enterprize. John lord Norwich, the governor, after a brave and vigorous defence, found himſelf reduced to extremities; and he was obliged to employ a ſtratagem, in order to ſave his garriſon, and to prevent his being reduced to ſurrender at diſcretion. He appeared on the walls, and deſired to ſpeak with the duke of Normandy. The prince, when he came, told Norwich, that he ſuppoſed he intended to capitulate. "Not at all," replied the governor: "But as to-morrow is the feaſt of the Virgin, to whom, I know, that you, ſir, as "well as myſelf, bear a great devotion, I deſire a ceſſation of arms for that day." The propoſals were agreed to; and Norwich, having ordered his forces to prepare all their baggage, marched out, and advanced towards the French camp. The beſiegers, imagining they were to be attacked, ran to their arms; but Norwich ſent a meſſenger to the duke, reminding him of his engagement. The duke, who piqued himſelf on the faithful obſervance of his word, exclaimed, *I ſee the governor has outwitted me: But let us be contented with gaining the place:* And the Engliſh were allowed to paſs thro' the camp unmoleſted §. After ſome other ſucceſ- 1346.

* Froiſſart, liv. 1. chap. 104. † Froiſſart, liv. 1. chap. 110. ‡ Froiſſart, liv. 1. chap. 112. § Froiſſart, liv. 1. chap. 120.

ſes,

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ſes, the duke of Normandy laid ſiege to Aiguillon; and as the natural ſtrength of the fortreſs, together with a brave garriſon under the command of the earl of Pembroke, and ſir Walter Manny, rendered it impoſſible to take the place by aſſault, he propoſed, after making ſeveral fruitleſs attacks *, to reduce it by famine: But before he could finiſh his enterprize, he was called to another part of the kingdom, by one of the greateſt diſaſters, that ever befel the French monarchy †.

EDWARD, informed by the earl of Derby of the great danger, to which Guienne was expoſed, had prepared a fleet and army, with which he intended in perſon to bring it relief. He embarked at Southampton on board a fleet of near a thouſand ſail of all dimenſions; and carried with him, beſides all the chief nobility of England, his eldeſt ſon the prince of Wales, now fifteen years of age. The winds proved long contrary ‡; and the King, in deſpair of arriving in time at Guienne, was at laſt perſuaded by Geoffrey d'Harcourt, to change the deſtination of his enterprize. This nobleman was a Norman by birth, had long made a conſiderable figure in the court of France, and was generally eſteemed for his perſonal merit and valour; but being diſobliged and perſecuted by Philip, he had fled over to England; had recommended himſelf to Edward, who was an excellent judge of men; and had ſucceeded to Robert d'Artois in the invidious office of exciting and aſſiſting the King in every enterprize againſt his native country. He had long inſiſted, that an expedition to Normandy promiſed, in the preſent circumſtances, much more favourable ſucceſs, than one to Guienne; that Edward would find the northern provinces much unfurniſhed of military force, which had been drawn to the ſouth; that they were full of flouriſhing cities, whoſe plunder would enrich the Engliſh; that their cultivated fields, as yet unſpoiled by war, would ſupply them with plenty of proviſions; and that the neighbourhood of the capital rendered every event of importance in thoſe quarters §. Theſe reaſons, which had not before been duly weighed by Edward, began to make more impreſſion after the diſappointments, which he had met with in his voyage to Guienne: He ordered his fleet to ſail to Normandy, and ſafely diſembarked his army at la Hogue.

12th July.

Invaſion of France.

THIS army, which was, during the courſe of the enſuing campaign, crowned with the moſt ſplendid ſucceſs, that ever attended the enterprize of any Engliſh monarch, conſiſted of four thouſand men at arms, ten thouſand archers, ten thouſand Welſh infantry, and ſix thouſand Iriſh. The Welſh and the Iriſh were light, diſorderly troops, fitter for doing execution in a purſuit, or ſcouring the country, than for any ſtable action. The bow was always eſteemed a frivolous wea-

* Froiſſart, liv. chap. 121.

† Froiſſart, liv. 1. chap. 134.

‡ Aveſbury, p. 123.

§ Froiſſart, liv. 1. chap. 121.

pon, where true military diſcipline was known, and regular bodies of well armed foot maintained. The only ſolid force in this army were the men at arms, and even theſe, being cavalry, were, on that account, much inferior, in the ſhock of battle, to good infantry: And as the whole were new levied troops, we are led to entertain a very mean idea of the military force of thoſe ages, which, being ignorant in every other art, had not properly cultivated the art of war itſelf, the ſole object of their attention. Chap. XV. 1346.

The King created the earl of Arundel conſtable of his army, and the earls of Warwic and Harcourt, mareſchals: He beſtowed the honour of knighthood on the prince of Wales, and ſeveral of the young nobility, immediately upon his landing. After deſtroying all the ſhips in la Hogue, Barfleur, and Cherbourg, he ſpread his army over the whole country, and gave them an unbounded licence of burning, ſpoiling, and plundering every place, of which they became maſters. The looſe diſcipline then practiſed, could not be much hurt by theſe diſorderly practices; and Edward took care to prevent any ſurprize, by giving orders to his troops, however they might diſperſe themſelves in the day time, always to quarter themſelves at night near the main body. In this manner, Montebourg, Carentan, St. Lo, Valognes, and other places in the Cotentin were pillaged without reſiſtance; and an univerſal conſternation was ſpread over the whole province *.

The intelligence of this unexpected invaſion ſoon reached Paris; and threw Philip into great perplexity. He iſſued orders, however, for levying forces in all quarters, and diſpatched the count d'Eu, conſtable of France, and the count de Tancarville, with a body of troops, to the defence of Caen, a populous and commercial but open city, which lay in the neighbourhood of the Engliſh army. The temptation of ſo rich a prize, ſoon allured Edward to approach it; and the inhabitants, encouraged by their numbers, and by the re-inforcements which they daily received from the country, ventured, againſt the advice of the conſtable, to meet him in the field. But their courage failed them on the firſt ſhock: They fled with precipitation: The counts d'Eu and Tancarville were taken priſoners: The victors entered the city along with the vanquiſhed, and a furious maſſacre commenced, without diſtinction of age, ſex, or condition. The citizens, in deſpair, barricaded their houſes, and aſſaulted the Engliſh with ſtones, bricks, and every miſſile weapon: The Engliſh made way by fire to the deſtruction of the citizens: Till Edward, anxious to ſave both his ſpoil and his ſoldiers, ſtopped the maſſacre; and having obliged the inhabitants to lay down their arms, gave his troops licence to begin a more regular and leſs hazardous plunder of the city. The pillage continued for three days: The King reſerved for his own ſhare the

* Froiſſart, liv. 1. chap. 122.

Chap. XV. 1346. jewels, plate, ſilks, fine cloth, and fine linen; and he beſtowed all the remainder of the ſpoil on his army. The whole was embarked on board the ſhips, and ſent over to England; together with three hundred of the richeſt citizens of Caen, whoſe ranſom was an additional profit, which he expected afterwards to levy *. This diſmal ſcene paſſed in the preſence of two cardinal legates, who had come to negociate a peace between the kingdoms.

THE King moved next to Rouen in hopes of treating that city in the ſame manner; but found, that the bridge was already broken down, and that the King of France himſelf was arrived there with his army. He marched along the banks of the Seine towards Paris, deſtroying the whole country, and every town and village, which he met with on his road †. Some of his light troops carried their ravages even to the gates of Paris; and the royal palace of St. Germans, together with Nanterre, Ruelle, and other villages, was reduced to aſhes within ſight of that capital. The Engliſh propoſed to paſs the river at Poiſſy, but found the French army encamped on the oppoſite banks, and the bridge at that place, as well as all others upon the Seine, broken down by orders from Philip. Edward now ſaw, that the French intended to encloſe him in their country, in hopes of attacking him with advantage on all ſides: But he ſaved himſelf by a ſtratagem from this perilous ſituation. He gave his army orders to diſlodge, and to advance farther up the Seine; but immediately returning by the ſame route, arrived at Poiſſy, which the enemy had already quitted, in order to attend his motions. He repaired the bridge with incredible celerity, paſſed over his army, and having thus diſengaged himſelf from the enemy, advanced by quick marches towards Flanders. His vanguard, commanded by Harcourt, met with the townſmen of Amiens, who were haſtening to reinforce their King, and defeated them with great ſlaughter ‡: He paſſed by Beauvais, and burned the ſuburbs of that city: But as he approached the Somme, he found himſelf in the ſame difficulty as before: All the bridges on that river were either broken down, or ſtrongly guarded: An army, under the command of Godemar de Faye, was ſtationed on the oppoſite banks: Philip was advancing on him from the other quarter, with an army of an hundred thouſand men: And he was thus expoſed to the danger of being encloſed, and of ſtarving in an enemy's country. In this extremity, he publiſhed a reward to any one, that could bring him intelligence of a paſſage over the Somme. A peaſant, called Gobin Agace, whoſe name has been preſerved by the ſhare which he had in theſe important tranſactions, was tempted on this occaſion to betray the intereſts of his country; and he informed Edward of a ford below Abbeville, which had a

* Froiſſart, liv. 1. chap. 124. † Froiſſart, liv. 1. chap. 125. ‡ Froiſſart, liv. 1. chap. 125.

found

found bottom, and might be paſſed without difficulty at low water *. The King haſtened thither, but found Godemar de Faye on the oppoſite banks. Being urged by neceſſity, he deliberated not a moment; but threw himſelf into the river, ſword in hand, at the head of his troops; drove the enemy from their ſtation; and purſued them to a diſtance on the plain †. The French army under Philip, arrived at the ford, when the rear guard of the Engliſh were paſſing. So narrow was the eſcape, which Edward, by his prudence and celerity, made from this danger! The riſing of the tide prevented the French King from following him over the ford, and obliged that prince to take his road over the bridge at Abbeville; by which ſome time was loſt. Chap XV. 1346.

It is natural to think, that Philip, at the head of ſo vaſt an army, was impatient to take revenge of the Engliſh, and to prevent the diſgrace to which he muſt be expoſed, if an inferior enemy ſhould be allowed, after ravaging ſo great a part of his kingdom, to eſcape with impunity. Edward alſo was ſenſible, that ſuch muſt be the object of the French monarch; and as he had advanced but a little way before his enemy, he ſaw the danger of precipitating his march over the plains of Picardy, and of expoſing his rear to the inſults of the numerous cavalry, in which the French camp abounded. He took therefore a very prudent reſolution: He choſe his ground with advantage near the village of Crecy; he diſpoſed his army in excellent order; he determined to await in tranquility the arrival of the enemy; and he hoped, that their eagerneſs to engage, and to prevent his retreat, after all their paſt diſappointments, would hurry them on to ſome raſh and ill-concerted action. He drew up his army on a gentle aſcent, and divided them into three lines: The firſt was commanded by the prince of Wales, and under him, by the earls of Warwic and Oxford, by Harcourt, and by the lords Chandos, Holland, and other noblemen: The earls of Arundel and Northampton, with the lords Willoughby, Baſſet, Roos, and ſir Lewis Tufton, were at the head of the ſecond line: He took on himſelf the command of the third diviſion, by which he propoſed either to bring ſuccour to the two firſt lines, or to ſecure a retreat in caſe of any misfortunes, or to puſh his advantages againſt his enemy. He had likewiſe the precaution to throw up trenches on his flank, in order to ſecure himſelf from the numerous bodies of the French, who might aſſail him from that quarter; and he placed all his baggage behind him in a wood, which he alſo ſecured by an intrenchment ‡. Battle of Crecy. 26th Auguſt.

The ſkill and order of this diſpoſition, with the tranquility, in which it was made, ſerved extremely to compoſe the minds of the ſoldiers; and the King, that

* Froiſſart, liv. 1. chap. 126, 127. † Froiſſart, liv. 1. chap. 127. ‡ Froiſſart, liv. 1. chap. 128.

Chap. XV. 1346. he might farther inſpirit them, rode thro' their ranks with ſuch an air of cheerfulneſs and alacrity in his countenance, as conveyed the higheſt confidence into every beholder. He pointed out to them the neceſſity, to which they were at preſent reduced, and the certain and inevitable deſtruction which awaited them, if, in their preſent ſituation, encloſed on all hands in an enemy's country, they truſted to any thing but their own valour, or gave that enemy an opportunity of taking revenge for the many inſults and indignities, which they had of late put upon him. He reminded them of the apparent ſuperiority which they had hitherto maintained over all the bodies of French troops who had fallen in their way; and aſſured them, that the greater numbers of the army, which at preſent hovered over them, gave them not greater force, but was an advantage eaſily compenſated by the order, in which he had placed his own army, and the reſolution which he expected from them. He demanded nothing, he ſaid, but that they would imitate his own example, and that of the prince of Wales; and as the honour, the lives, the liberties of all, were now expoſed to the ſame danger, he was confident, that they would make one common effort to extricate themſelves from the preſent difficulties, and that their united courage would give them the victory over all their enemies.

It is related by ſome hiſtorians *, that Edward, beſides the reſources, which he found in his own genius and preſence of mind, employed alſo a new invention againſt the enemy, and placed in his front ſome pieces of artillery, the firſt which had yet been made uſe of on any remarkable occaſion in Europe. This is the epoch of one of the moſt ſingular diſcoveries, which has been made among men; and which changed by degrees the whole art of war, and by conſequence many circumſtances in the political government of Europe. But the ignorance of that age, in the mechanical arts, rendered the progreſs very ſlow of this new invention. The artillery firſt framed, were ſo clumſy and of ſuch difficult management, that men were not immediately ſenſible of their uſe and efficacy: And even to the preſent times, improvements have been continually making on this furious engine, which, tho' it ſeemed contrived for the deſtruction of mankind, and the overthrow of empires, has in the iſſue rendered war much leſs bloody, and has given greater ſtability to civil ſocieties. Nations, by its means, have been brought more to a level: Conqueſts have become leſs frequent and rapid: Succeſs in war has been reduced nearly to be a matter of calculation: And any nation, overmatched by its enemy, either yields to their demands, or ſecures itſelf by alliances againſt their violence and invaſion.

* Jean Villani, lib. 12. cap. 66.

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THE invention of artillery was at this time known in France as well as in England *; but Philip, in his hurry to overtake the enemy, had probably left his cannon behind him, which he regarded as an uſeleſs incumbrance. All his other movements diſcovered the ſame imprudence and precipitation. Impelled by anger, a dangerous counſellor, and truſting to the great ſuperiority of his numbers, he thought that all depended on forcing an engagement with the Engliſh, and that, if he could once reach the enemy in their retreat, the victory on his ſide was certain and inevitable. He made a haſty march in great diſorder from Abbeville; but after he had advanced above two leagues, ſome gentlemen, whom he had ſent before to take a view of the enemy, returned to him, and brought him intelligence, that they had ſeen the Engliſh drawn up in excellent order, and awaiting his arrival. They therefore adviſed him to defer the combat till the enſuing day, when his army would have recovered from their fatigue, and might be diſpoſed into better order, than their preſent hurry had permitted them to obſerve. Philip aſſented to this council; but the former precipitation of his march, and the impatience of the French nobility, made it impracticable for him to put it in execution. One diviſion preſſed upon another: Orders to ſtop were not ſeaſonably conveyed to all of them: This immenſe body was not governed by ſufficient diſcipline to be manageable: And the French army, very imperfectly formed into three lines, arrived, already fatigued and diſordered, in preſence of the enemy. The firſt line, conſiſting of 15,000 Genoeſe croſs-bow men, were commanded by Anthony Doria, and Charles Grimaldi: The ſecond was led by the count d'Alençon, brother to the King: The King himſelf was at the head of the third. Beſides the French monarch, there were no leſs than three crowned heads in this engagement: The King of Bohemia, the King of the Romans, his ſon, and the King of Majorca; with all the nobility and great vaſſals of the crown of France. The army now conſiſted of above 120,000 men, near four times the number of the enemy. But the prudence of one man was ſuperior to the advantage of all this force and ſplendor.

THE Engliſh, on the approach of the enemy, kept their ranks firm and immoveable; and the Genoeſe firſt began the attack. There had happened, a little before the engagement, a thunder ſhower, which had moiſtened and relaxed the ſtrings of the Genoeſe croſs-bows; and their arrows for this reaſon fell ſhort of the enemy. The Engliſh archers, taking their bows out of their caſes, poured in a ſhower of arrows upon this multitude who were oppoſed to them; and ſoon threw them into diſorder. The Genoeſe fell back upon the Genſdarmes

* Du Cange Gloſſ. in verb. Bombarda.

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mes of the count d'Alençon*; who, enraged at their cowardice, ordered his troops to put them to the ſword. The artillery fired amidſt the crowd; the Engliſh archers ſtill continued to ſend in their arrows among them; and nothing was to be ſeen in that vaſt body but hurry and confuſion, terror and diſmay. The young prince of Wales had the preſence of mind to take advantage of this ſituation, and to lead on his line to the charge. The French cavalry, however, recovering ſomewhat their order, and encouraged by the example of their leader, made ſtout reſiſtance; and having at laſt cleared themſelves of the Genoeſe runaways, advanced upon their adverſaries, and by their ſuperior numbers began to hem them round. The earls of Arundel and Northampton advanced their line to ſuſtain the prince, who, ardent in his firſt feats of arms, ſet an example of valour, which was imitated by all his followers. The battle became for ſome time hot and dangerous, and the earl of Warwic, apprehenſive of the event from the ſuperior numbers of the French, diſpatched an officer to the King, and deſired him to ſend ſuccours to the relief of the prince. Edward had choſen his ſtation on the top of the hill; and he ſurveyed in tranquillity the ſcene of action, when the meſſenger accoſted him. His firſt queſtion was, whether the prince was ſlain or wounded. On receiving an anſwer in the negative, *Return*, ſaid he, *to my ſon, and tell him that I reſerve the honour of this day to him: I am confident that he will ſhow himſelf worthy of the honour of knighthood, which I ſo lately conferred upon him: He will be able without my aſſiſtance to repel the enemy*†. This ſpeech, being reported to the prince and his attendants, inſpired them with new courage: They made an attack with redoubled vigour on the French, in which the count d'Alençon was ſlain: That whole line of cavalry was thrown into diſorder: The riders were killed or diſmounted: The Welſh infantry ruſhed into the throng, and with their long knives cut the throats of all who had fallen; nor was any quarter given that day by the conquerors‡.

THE King of France advanced in vain with the rear to ſuſtain the line commanded by his brother: He found them already diſcomfited; and the example of their rout encreaſed the confuſion, which was before but too prevalent in his own body. He had himſelf a horſe killed under him: He was remounted; and, tho' left almoſt alone, he ſeemed ſtill determined to maintain the combat; when John de Hainault ſeized the reins of his bridle, turned about his horſe, and carried him off the field of battle. The whole French army took to flight, and were followed and put to the ſword without mercy by the victors; till the darkneſs of night put an end to the purſuit. The King, on his return to the camp, flew into the arms of the prince of Wales, and exclaimed: *My brave ſon: Perſe-*

* Froiſſart, liv. 1. chap. 130. † Froiſſart, liv. 1. chap. 130. ‡ Froiſſart, liv. 1. chap. 130.

vere

vere in your honourable courſe: You are my ſon; for valiantly have you acquitted yourſelf to day: You have ſhown yourſelf worthy of empire *. Chap. XV. 1346.

THIS battle, which is known by the name of the battle of Crecy, began after three o'clock in the afternoon, and continued till evening. The ſubſequent morning was foggy; and as the Engliſh obſerved, that many of the enemy had loſt their way in the night and in the miſt, they employed a ſtratagem to bring them into their power: They erected on the eminences ſome French ſtandards which they had taken in battle; and all, who were allured by this falſe ſignal, were put to the ſword, and no quarter given them. In excuſe for this inhumanity, it was alledged that the French King had given out like orders to his troops; but the real reaſon probably was, that the Engliſh, in their preſent ſituation, did not care to be encumbered with priſoners. On the day of battle and on the enſuing, there fell, by a moderate computation, 1200 knights, 1400 gentlemen, 4000 men at arms, beſides about 30,000 men of inferior rank †. Many of the principal nobility of France, the dukes of Lorraine and Bourbon, the earls of Flanders, Blois, Harcourt, Vaudemont, Aumale, were left on the field of battle. The Kings alſo of Bohemia and Majorca were ſlain: The fate of the former was remarkable: He was blind from age; but being reſolved to hazard his perſon, and ſet an example to others, he ordered the reins of his bridle to be tied on each ſide to the horſes of two gentlemen of his train; and his dead body, and thoſe of his attendants, were afterwards found among the ſlain, with their horſes ſtanding by them in that ſituation ‡. His creſt was three oſtrich feathers; and his motto theſe German words, *Ich dien, I ſerve:* Which the prince of Wales and his ſucceſſors adopted in memorial of this great victory. The action may ſeem no leſs remarkable for the ſmall loſs of the Engliſh than for the great ſlaughter of the French: There were killed in it only one eſquire and three knights §, and very few of inferior rank; a demonſtration, that the prudent diſpoſition made by Edward, and the diſorderly attack of the French, had rendered the whole rather a rout than a battle, which was indeed the common caſe with engagements in thoſe times.

THE great prudence of Edward appeared not only in obtaining this memorable victory, but in the meaſures, which he purſued after it. Not elated by his preſent proſperity ſo far as to expect the total conqueſt of France or of any conſiderable provinces; he propoſed only to ſecure an eaſy entrance into that kingdom, which might afterwards open the way to more moderate advantages. He knew the extreme diſtance of Guienne: He had experienced the difficulty and

* Froiſſart, liv. 1. chap. 131. † Froiſſart, liv. 1. chap. 131. Knyghton, p. 2588.
‡ Froiſſart, liv. 1. chap. 130. Walſingham, p. 166. § Knyghton, p. 2588.

Chap. XV. 1346. uncertainty of penetrating on the side of the low countries, and had already lost much of his authority over Flanders by the death of Arteville, who had been murdered by the populace themselves, his former partizans, on his attempting to transfer the sovereignty of that province to the prince of Wales *. The King, therefore, limited his ambition to the conquest of Calais; and after the interval of a few days, which he employed in interring the slain, he marched with his victorious army, and presented himself before that place.

John de Vienne, a valiant knight of Burgundy, was governor of Calais, and being supplied with every necessary for defence, he encouraged the townsmen to perform to the utmost their duty to their King and country. Edward therefore, sensible from the beginning, that it was in vain to attempt the place by force, proposed only to reduce it by famine: He chose a secure station for his camp; drew entrenchments around the whole city; raised huts for his soldiers, which he covered with straw or broom; and provided his army with all conveniencies, to make them endure the winter season, which was approaching. As the governor soon perceived his intention, he put out all the useless mouths, which might consume his provisions; and the King had the generosity to allow these unhappy people to pass thro' his camp, and he even supplied them with money for their journey †.

While Edward was employed in this siege, which continued near a twelvemonth, there passed in different places many other events; and all to the honour of the English arms.

The retreat of the duke of Normandy from Guienne left the earl of Derby master of the field; and he was not negligent in making his advantage of the superiority. He took Mirebeau by assault: He made himself master of Lusignan in the same manner: Taillebourg and St. Jean d'Angeli fell into his hands: Poictiers opened its gates to him; and Derby having thus broke down all the frontiers on that quarter, carried his incursions to the banks of the Loire, and filled that quarter of France with horrour and devastation ‡.

The flames of war were at the same time kindled in Brittany. Charles de Blois invaded that province with a considerable army, and invested the fortress of Roche de Rien; but the countess of Mountfort, reinforced by some English troops under Sir Thomas Dagworth, attacked him during the night in his entrenchments, dispersed his army, and took himself prisoner §. His wife, by whom he enjoyed his pretensions to Brittany, compelled by the present necessity,

* Froissart, liv. 1. chap. 116. † Froissart, liv. 1. chap. 133. ‡ Froissart, liv. 1. chap. 136. § Froissart, liv. 1. chap. 143. Walsingham, p. 168. Ypod Neust. p. 517, 518.

took

took on her the government of the party, and proved herſelf a rival in every ſhape and an antagoniſt to the counteſs of Mountfort, both in the field and in the cabinet. And while theſe heroic dames preſented this extraordinary ſcene to the world, another princeſs in England, of ſtill higher rank, ſhowed herſelf no leſs capable of exerting every manly virtue. Chap. XV. 1346.

War with Scotland.

THE Scottiſh nation, after ſupporting with incredible perſeverance, their liberties againſt the ſuperior force of the Engliſh, recalled their King, David Bruce, in 1342. Tho' that prince, neither by his age nor capacity, could bring them great aſſiſtance, he gave them the countenance of ſovereign authority; and as Edward's wars with France proved a great diverſion to his forces, they rendered the ballance more equal between the two kingdoms. In all the truces, which Edward concluded with Philip, the King of Scotland was comprehended; and when Edward made his laſt invaſion upon France, David was ſtrongly ſollicited by his ally to break alſo the truce, and to invade the northern counties of England. The nobility of his nation being always forward in ſuch incurſions, David ſoon muſtered a great army, entered Northumberland at the head of above 50,000 men, and carried his ravages and devaſtations to the gates of Durham *. But queen Phillippa, aſſembling a body of little more than 12,000 men †, which ſhe entruſted to the command of lord Piercy, ventured to approach him at Neville's Croſs near that city; and riding thro' the ranks of the army, exhorted every man to do his duty, and to take revenge on theſe barbarous ravagers ‡: Nor could ſhe be perſuaded to leave the field, till the armies were on the point of engaging. The Scots have been often unfortunate in the great pitched battles, which they fought with the Engliſh; and that tho' they commonly declined ſuch engagements where the ſuperiority of numbers was not on their ſide: But never did they receive a more fatal blow than the preſent. They were broke and chaced off the field: Fifteen thouſand of them, ſome hiſtorians ſay twenty thouſand, were ſlain; among whom were Edward Keith, earl Mareſchal, and Sir Thomas Charteris chancellor: And the King himſelf was taken priſoner, with the earls of Southerland, Fife, Monteith, Carric, lord Douglas, and many other noblemen §.

17th Octr.

Captivity of the King of Scots.

PHILLIPPA, having ſecured her royal priſoner in the Tower ‖, croſſed the ſea at Dover; and was received in the Engliſh camp before Calais with all the triumph, which was due to her rank, her merit, and her ſucceſs. This age was the reign of chivalry and gallantry: Edward's court excelled in theſe accompliſhments as much as in policy and arms: And if any thing could juſtify the obſe-

* Froiſſart, liv. 1. chap. 137. † Froiſſart, liv. 1. chap. 138. ‡ Froiſſart, liv. 1. chap. 138. § Froiſſart, liv. 1. chap. 139. ‖ Rymer, vol. 5. p. 537.

Chap. XV. 1346. quious devotion then profeſſed to the fair ſex, it muſt be the appearance of ſuch extraordinary women as ſhone forth during that period.

1347. Calais taken. THE town of Calais had been defended with remarkable vigilance, conſtancy and bravery by the townſmen, during a ſiege of unuſual length: But Philip, informed of their diſtreſt condition, determined at laſt to attempt their relief; and he approached the Engliſh with an immenſe army, which the writers of that age make amount to 200,000 men. But he found Edward ſo ſurrounded with moraſſes, and ſecured by entrenchments, that without running on inevitable deſtruction, he concluded it impoſſible to make an attempt on the Engliſh camp. He had no other reſource than to ſend his rival a vain challenge to meet him in the open field; which being refuſed, he was obliged to decamp with his army, and diſperſe them into their ſeveral provinces *.

JOHN DE VIENNE, the governor of Calais, now ſaw the neceſſity of ſurrendering his fortreſs, which was reduced to the laſt extremity by famine and the fatigue of the inhabitants. He appeared on the walls, and made a ſignal to the Engliſh ſentinels that he deſired a conference. Sir Walter Manny was ſent to him by Edward. "Brave knight," cried the governor, "I have been entruſted by my "ſovereign with the command of this town: It is almoſt a year ſince you be- "ſieged me; and I have endeavoured, as well as thoſe under me, to do our "duty. But you are acquainted with our preſent condition: We have no hopes "of relief; we are periſhing with hunger; I am willing therefore to ſurrender, "and deſire, as the ſole condition, to enſure the lives and liberties of theſe brave "men, who have ſo long ſhared with me every danger and fatigue †.

MANNY replied, that he was well acquainted with the King of England's intentions; that that prince was incenſed againſt the townſmen of Calais for their pertinacious reſiſtance, and for the evils which they had made him and his ſubjects ſuffer; that he was determined to take exemplary vengeance of them; and would not receive the town on any conditions which ſhould confine him in the puniſhment of theſe offenders. "Conſider," replied Vienne, "that this is not "the treatment to which brave men are intitled: If any Engliſh knight had been "in my ſituation, your King would have expected the ſame conduct from him. "The inhabitants of Calais have done for their ſovereign what merits the eſteem "of every prince; much more of ſo gallant a prince as Edward. But I inform "you, that, if we muſt periſh, we ſhall not periſh unrevenged; and that we "are not yet ſo reduced, but we can ſell our lives at a high price to the vic-

* Froiſſart, liv. 1. chap. 144, 145. Avesbury, p. 161, 162. † Froiſſart, liv. 1. chap. 146.

"tors.

" tors. It is the intereſt of both ſides to prevent theſe deſperate extremities; Chap. XV.
" and I expect, that you yourſelf, brave knight, will interpoſe your good offices 1347.
" with your prince in our behalf."

MANNY was ſtruck with the juſtneſs of theſe ſentiments, and repreſented to the King the danger of reprizals, if he ſhould give ſuch treatment to the inhabitants of Calais. Edward was at laſt perſuaded to mitigate the rigor of the conditions demanded: He only inſiſted, that ſix of the moſt conſiderable citizens ſhould be ſent him to be diſpoſed of as he thought proper; that they ſhould come to his camp carrying the keys of the city in their hand, bareheaded and barefooted, with ropes about their necks: And on theſe conditions, he promiſed to ſpare the lives of all the remainder *.

WHEN this intelligence was conveyed to Calais, it ſtruck the inhabitants with new conſternation. To ſacrifice ſix of their fellow citizens to certain deſtruction, for ſignalizing their valour in a common cauſe, appeared to them even more ſevere than that general puniſhment, with which they were before threatened; and they found themſelves incapable of coming to any reſolution in ſo cruel and diſtreſsful a ſituation. At laſt one of the principal inhabitants called Euſtace de St. Pierre, whoſe name deſerves to be recorded, ſtept forth, and declared himſelf willing to encounter death for the ſafety of his friends and companions: Another, animated by his example, made a like generous offer: A third and a fourth preſented themſelves to the ſame fate; and the whole number required was ſoon compleated. Theſe ſix heroic burgeſſes appeared before Edward in the guiſe of malefactors, laid at his feet the keys of their city, and were ordered to be led to execution. It is ſurprizing, that ſo generous a prince ſhould ever have entertained ſuch a barbarous purpoſe againſt ſuch men; and ſtill more that he ſhould ſeriouſly perſiſt in the reſolution of executing it †. But the entreaties of his queen ſaved his memory from that infamy: She threw herſelf on her knees before him, and with tears in her eyes begged the lives of theſe citizens. Having obtained her requeſt, ſhe carried them into her tent, ordered a repaſt to be ſet before them, and after making them a preſent of money and cloaths, diſmiſſed them in ſafety ‡.

THE King took poſſeſſion of Calais; and immediately executed an act of ri- 4th Aug.
gor, more juſtifiable becauſe more neceſſary, than that which he had before reſolved on. He knew, that, notwithſtanding his pretended title to the crown

* Froiſſart, liv. 1. chap. 146.

† This ſtory of the ſix burghers of Calais, like all other extraordinary ſtories, is ſomewhat to be ſuſpected; and ſo much the more as Aveſbury, p. 167, who is particular in his narration of the ſurrender of Calais, ſays nothing of it; and on the contrary extols in general the King's generoſity and lenity to the inhabitants. ‡ Froiſſart, liv. 1. chap. 146.

Chap. XV. 1347. of France, every Frenchman regarded him as a mortal enemy; and he therefore ordered all the inhabitants of Calais to evacuate the town, and he peopled it anew with Engliſh; a policy which probably preſerved ſo long to his ſucceſſors the dominion of that important fortreſs. He made it the ſtaple of wool, leather, tin, and lead; the four chief, if not the ſole commodities of the kingdom, for which there was any demand in foreign markets. All the Engliſh were obliged to bring thither theſe goods: Foreign merchants came to the ſame place in order to purchaſe them: And at a period, when poſts were not eſtabliſhed, and when the communication between ſtates was ſo imperfect, this inſtitution, tho' it hurt the navigation of England, was perhaps of advantage to the kingdom.

1348. THRO' the mediation of the Pope's legates, Edward concluded a truce with France; but even during this ceſſation of arms, he had very nearly loſt Calais, the ſole fruit of all his boaſted victories. The King had entruſted that place to the command of Aimery de Pavie, an Italian, who had diſcovered bravery and conduct in the wars, but was utterly devoid of every principle of honour and fidelity. This man agreed to deliver up Calais for the ſum of 20,000 crowns; and Geoffrey de Charni, who commanded the French forces in thoſe quarters, and who knew, that, if he ſucceeded in this ſervice, he ſhould not be diſavowed, ventured, without conſulting his maſter, to conclude the bargain with him. Edward, informed of this treachery, by means of Aimery's ſecretary, ſummoned him over to London on other pretences; and having charged him with the guilt, promiſed him his life, but on condition, that he would turn the contrivance to the deſtruction of the enemy. The Italian eaſily agreed to this double treachery. A day was appointed for the admiſſion of the French; and Edward, having prepared a force of about a thouſand men, under ſir Walter Manny, ſecretly departed from London, carrying with him the prince of Wales; and without being ſuſpected, arrived the evening before at Calais. He made a proper diſpoſition for the reception of the enemy; and kept all his forces and the garriſon under arms. On the appearance of Charni, a choſen troop of French ſoldiers was admitted at the poſtern, and Aimery, receiving the ſtipulated ſum, promiſed, that with their aſſiſtance he would immediately open the great gate to the army, who were waiting with impatience for the fulfilling of his engagement. All the French, who entered, were immediately ſlain or taken priſoners: The great gate opened: Edward ruſhed forth with cries of battle and of victory: The French, tho' aſtoniſhed at this event, behaved with valour: A fierce and bloody engagement enſued. As the morning broke, the King, who was not diſtinguiſhed by his arms, and who fought as a private man under the ſtandard of ſir Walter Manny, remarked a

1349. 1ſt January.

French gentleman, called Euſtace de Ribaumont, who exerted himſelf with ſingular vigour and bravery; and he was ſeized with a deſire of trying a ſingle combat with him. He ſtept forth from his troop, and challenging Ribaumont by name, (for he was known to him) began a ſharp and dangerous encounter. He was twice beat to the ground by the valour of the Frenchman: He twice recovered himſelf: Blows were redoubled with equal force on both ſides: The victory was long undecided: Till Ribaumont, perceiving himſelf to be left almoſt alone, called out to his antagoniſt, *Sir knight, I yield myſelf your priſoner*; and at the ſame time delivered his ſword to the King. Moſt of the French, being overpowered by numbers, and intercepted in their retreat, were either ſlain or taken priſoners *. Chap. XV. 1349.

The French officers, who had fallen into the hands of the Engliſh, were conducted into Calais; where Edward diſcovered to them the antagoniſt with whom they had had the honour to be engaged, and treated them with great regard and courteſy. They were admitted to ſup with the prince of Wales, and the Engliſh nobility; and after ſupper, the King himſelf came into the apartment, and went about, converſing familiarly with one or other of his priſoners. He even addreſſed himſelf in an obliging manner to Charni, and avoided reproaching him with the treacherous attempt, which he had made upon Calais during the truce: But he openly beſtowed the higheſt encomiums on Ribaumont; called him the moſt valorous knight whom he had ever been acquainted with; and confeſſed, that he had at no time been in ſo great danger as when engaged in combat with him. He then took a ſtring of pearl, which he wore about his own head, and throwing it over the head of Ribaumont, he ſaid to him, "Sir Euſtace, I beſtow "this preſent upon you, as a teſtimony of my eſteem for your bravery: And I "deſire you to wear it a year for my ſake: I know you to be gay and amorous; "and to take delight in the company of ladies and damſels: Let them all know "from what hand you had the preſent: You are no longer a priſoner; I acquit "you of your ranſom; and you are at liberty to morrow to diſpoſe of yourſelf "as you think proper."

Nothing can more evidently prove the vaſt ſuperiority of the nobility and gentry above all the other orders of men during thoſe ages, than the extreme difference which Edward made in his treatment of theſe French knights, and that of the ſix citizens of Calais, who had exerted much more ſignal bravery in a cauſe much more juſtifiable and more honourable.

* Froiſſart, liv. 1. chap. 140, 141, 142.

CHAP.

CHAP. XVI.

EDWARD III.

Inſtitution of the garter——State of France——Battle of Poictiers——Captivity of the King of France——State of that kingdom——Invaſion of France——Peace of Bretigni——State of France——Expedition into Caſtile——Rupture with France——Ill ſucceſs of the Engliſh——Death of the prince of Wales——Death——and character of the King——Miſcellaneous tranſactions in this reign.

THE prudent conduct and great ſucceſs of Edward in his foreign wars had excited a ſtrong emulation and a military genius among the Engliſh nobility; and theſe turbulent barons, over-awed by the crown, gave now a more uſeful direction to their ambition, and attached themſelves to a prince, who led them to the acquiſition of glory and of riches. That he might further promote the ſpirit of emulation and obedience, the King inſtituted the order of the garter, in imitation of ſome orders of a like nature, religious as well as military, which had been eſtabliſhed in different countries of Europe. The number received into this order conſiſted of twenty-four perſons, beſides the ſovereign; and as it has never been enlarged, this badge of diſtinction continues as honourable as at its firſt inſtitution, and is ſtill a valuable, tho' a cheap, preſent, which the prince can confer on his greateſt ſubjects. A vulgar ſtory prevails, but is not ſupported by any antient authority, that, at a court-ball, Edward's miſtreſs, commonly ſuppoſed to be the counteſs of Saliſbury, dropt her garter; and the King, taking it up, obſerved ſome of the courtiers to ſmile, as if he had not obtained this favour merely by accident: Upon which he called out, *Honi ſoit qui mal y penſe*, Evil to him that evil thinks; and as every incident of gallantry among theſe antient warriors was magnified into a matter of great importance *, he inſtituted the

1349.

Inſtitution of the garter.

* There was a ſingular inſtance about this time of the prevalence of chivalry and gallantry in the nations of Europe. A ſolemn duel of thirty knights againſt thirty was fought between Bembrough, an Engliſhman, and Beaumanoir, a Breton, of the party of Charles de Blois. The knights of the two nations came into the field; and before the combat began, Beaumanoir called out, that it would be ſeen that day *who had the faireſt miſtreſſes*. After a bloody combat the Bretons prevailed; and gained for their prize, full liberty to boaſt of their miſtreſſes beauty. It is remarkable, that two ſuch famous generals as ſir Robert Knolles, and ſir Hugh Calverley, drew their ſwords in this ridiculous conteſt. See Pere Daniel, vol. 2. p. 536, 537, &c. The women not only inſtigated the champions to theſe rough, if not bloody frays of tournament; but alſo frequented the tournaments during all the reign of Edward, whoſe ſpirit of gallantry encouraged this practice. See Knyghton, p. 2597.

order of the garter in memorial of this event, and gave theſe words as the motto of the order. This origin, tho' frivolous, is not unſuitable to the manners of the times; and it is indeed difficult by any other means to account either for the ſeemingly unmeaning terms of the motto, or for the peculiar badge of the garter, which ſeems to have no reference to any purpoſe either of military uſe or ornament. Chap. XVI. 1349.

But a ſudden damp was thrown over this feſtivity and triumph of the court of England, by a deſtructive peſtilence, which invaded that kingdom as well as the reſt of Europe; and is computed to have ſwept away above a fourth of the inhabitants in every country, which it attacked. It was probably more fatal in great cities than in the country; and above fifty thouſand ſouls are ſaid to have periſhed by it in London alone *. This malady diſcovered itſelf firſt in the north of Aſia, was ſpread over all that country, made a progreſs from one end of Europe to another, and ſenſibly depopulated every ſtate thro' which it paſſed. So grievous a calamity, more than any cordiality among the princes, ſerved to maintain and prolong the truce between France and England.

During this truce, Philip de Valois died, without being able to re-eſtabliſh the affairs of France, which his bad ſucceſs againſt England had thrown into the moſt extreme diſorder. This monarch, during the firſt years of his reign, had obtained the appellation of *Fortunate*, and acquired the character of prudent; but he ill maintained either the one or the other; leſs from his own fault, than becauſe he was over-matched by the ſuperior fortune and ſuperior genius of Edward. But the incidents in the reign of his ſon, John, gave the French nation reaſon to regret even the calamitous times of his predeceſſor. John was diſtinguiſhed by many virtues, particularly a ſcrupulous honour and fidelity: He was not deficient in perſonal courage: But as he wanted that maſterly prudence and foreſight, which his difficult ſituation required, his kingdom was at the ſame time torn in pieces by inteſtine commotions, and oppreſſed with foreign wars. The chief ſource of all its calamities, was Charles King of Navarre, who received the epithet of the *bad* or *wicked*, and whoſe actions fully entitled him to that appellation. This prince was deſcended of the blood royal of France; his mother was a daughter of Lewis Hutin; he had himſelf eſpouſed a daughter of King John: But all theſe ties, which ought to have connected him with the throne, gave him only greater ability to ſhake and over throw it. In his perſonal qualities, he was 1350. 1354. State of France.

* Stow's Survey, p. 478. There were buried 50,000 bodies in one church-yard, which ſir Walter Manny had bought for the uſe of the poor. The ſame author ſays, that there died above 50,000 perſons of the plague in Norwich, which is quite incredible.

courteous,

Chap. XVI. 1354. courteous, affable, engaging, eloquent; full of inſinuation and addreſs; inexhauſtible in his reſources; active and enterprizing. But theſe ſplendid accompliſhments were at the ſame time attended with ſuch defects, as rendered them pernicious to his country, and even ruinous to himſelf: He was fickle, inconſtant, faithleſs, revengeful, malicious: Reſtrained by no principle or duty: Inſatiable in his pretenſions: And whether ſucceſsful or unfortunate in one enterprize, he immediately undertook another, in which he was never deterred from employing the moſt criminal and moſt diſhonourable expedients.

THE conſtable, d'Eu, who had been taken priſoner by Edward at Caen, recovered his liberty, on the promiſe of delivering to that prince, as his ranſom, the town of Ghiſnes, near Calais, of which he was ſuperior lord: But as John was offended at this ſtipulation, which, if fulfilled, opened ſtill farther that frontier to the enemy, and as he ſuſpected the conſtable of more dangerous connexions with the King of England, he ordered him to be ſeized, and without any legal or formal trial, put him to death in priſon. Charles de la Cerda was appointed conſtable in his place; and had a like fatal end: The King of Navarre ordered him to be aſſaſſinated; and ſuch was the weakneſs of the crown, that this prince, inſtead of dreading puniſhment, would not ſo much as agree to aſk pardon for his offence, but on condition, that he received an acceſſion of territory, and had John's ſecond ſon put into his hands, as a ſecurity for his perſon, when he came to court, and performed this act of mock penitence and humiliation before King John *.

1355. THE two French princes ſeemed entirely reconciled; but this diſſimulation, to which John ſubmitted from neceſſity, and Charles from habit, did not long continue; and the King of Navarre knew, that he had reaſon to apprehend the moſt ſevere vengeance for the many crimes and treaſons which he had already committed, and the ſtill greater, which he intended to commit. To enſure himſelf of protection, he entered into a ſecret correſpondence with England, by means of Henry earl of Derby, now earl of Lancaſter, who at that time was employed in fruitleſs negotiations for peace in Avignon, under the mediation of the Pope. John diſcovered this correſpondence; and to prevent the fatal effects of it, he ſent down forces into Normandy, the chief ſeat of the King of Navarre's power, and attacked his caſtles and fortreſſes. But hearing that Edward had prepared an army to ſupport his ally, he had the weakneſs to propoſe an accommodation with Charles, and even to give this traiterous ſubject the ſum of an hundred thouſand crowns, as the purchaſe of a feigned reconcilement, which rendered him ſtill more dangerous. The

* Froiſſart, liv. 1. chap. 144.

King

King of Navarre, insolent from past impunity, and desperate from the dangers, which he apprehended, continued still his intrigues; and associating himself with Geoffrey de Harcourt, who had received his pardon from Philip de Valois, but persevered still in his factious dispositions, he encreased the number of his partizans in every part of the kingdom. He even seduced by his address, Charles, the King of France's eldest son, a youth of seventeen years of age, who was the first that bore the appellation of Dauphin, by the re-union of the province of Dauphiny to the crown. But this prince, being made sensible of the danger and folly of these connexions, promised to make atonement for the offence by the sacrifice of his associates; and in concert with his father, he invited the King of Navarre, and other noblemen of the party, to a feast at Roüen, where they were betrayed into the hands of John. Some of the most obnoxious were immediately led to execution; the King of Navarre was thrown into prison *: But this stroke of severity in the King, and of treachery in the Dauphin, was far from proving decisive in maintaining the royal authority. Philip of Navarre, brother to Charles, and Geoffrey d'Harcourt, put all the towns and castles belonging to that prince in a posture of defence; and had immediate recourse to the protection of England in this desperate extremity. Chap. XVI. 1355.

The truce between the two kingdoms, which had always been very ill observed on both sides, was now expired; and Edward was entirely free to support the French malecontents. Well pleased, that the factions in France had at last gained him some partizans in that kingdom, which his pretensions to the crown had never been able to procure him, he proposed to attack his enemy both on the side of Guienne, under the command of the prince of Wales, and on that of Calais, in his own person.

Young Edward arrived in the Garonne with his army, on board a fleet of three hundred sail, attended by the earls of Warwic, Salisbury, Oxford, Suffolk, and other English noblemen. Being joined by the vassals of Gascony, he took the field; and as the present disorders in John's affairs prevented every proper plan of defence, he carried on with impunity his ravages and devastations, according to the mode of war in that age. He reduced all the villages and several towns in Languedoc to ashes: He presented himself before Tholouse; passed the Garronne, and burned the suburbs of Carcassonne; advanced even to Narbonne, laying every thing waste around him: And after an incursion of six weeks, returned with a vast booty and many prisoners to Guienne, where he took up his winter quarters †. The constable of Bourbon, who commanded in those provinces, received orders,

* Froissart, liv. 1. chap. 146. Avesbury, p. 243. † Froissart, liv. 1. chap. 144, 146.

Chap. XVI. 1355. though at the head of a ſuperior army, on no account to run the hazard of a battle.

THE King of England's incurſion from Calais was of the ſame nature, and attended with the ſame iſſue. He broke into France at the head of a numerous army; to whom he gave a full licence of plundering and ravaging the open country. He advanced to St. Omer, where the King of France was poſted; and on the retreat of that prince, followed him to Heſdin *. John ſtill kept at a diſtance, and declined an engagement: But in order to ſave his reputation, he ſent Edward a challenge to fight a pitched battle with him; an uſual bravado in that age, derived from the practice of ſingle combat, and ridiculous in the art of war. The King, finding no ſincerity in this defiance, retired to Calais, and thence went over to England, in order to defend that kingdom againſt a threatened invaſion of the Scots.

THE Scots, taking advantage of the King's abſence, and that of the military power of England, had ſurprized Berwic; and had collected an army with a view of entering and committing ravages upon the northern provinces: But on the approach of Edward, they abandoned that place, which was not tenable, while the caſtle was in the hands of the Engliſh; and retiring to their mountains, gave the enemy a full liberty of burning and deſtroying the whole country from Berwic to Edinburgh †. Baliol attended Edward on this expedition; but finding, that his conſtant adherence to the Engliſh had given his countrymen an unconquerable averſion to his title, and that he himſelf was declining through age and infirmities, he finally reſigned into the King's hands his pretenſions to the crown of Scotland ‡, and received in lieu of them, an annual penſion of 2000 pounds, with which he paſſed the remainder of his life in privacy and retirement.

DURING theſe military operations, Edward received information of the encreaſing diſorders in France, ariſing from the ſeizure of the King of Navarre; and he ſent Lancaſter at the head of a ſmall army, to ſupport his partizans in Normandy. The war was conducted with various ſucceſs; but chiefly to the diſadvantage of the French malecontents; till an important event happened in the other quarter of the kingdom, which had well nigh proved fatal to the monarchy of France, and threw every thing into the utmoſt confuſion.

1356. THE prince of Wales, encouraged by the ſucceſs of the preceding campaign, took the field with an army, which no hiſtorian makes amount to above 12,000

* Froiſſart, liv. 1. chap. 144. Aveſbury, p. 206. Walſing. p. 171. † Walſing. p. 171.
‡ Rymer, vol. 5. p. 823. Ypod Neuſt p. 521.

men,

men, and of which not a third were Engliſh; and with this ſmall body, he ventured to penetrate into the heart of France. After ravaging the Agenois, Quercy, and the Limouſin, he entered the province of Berry; and made ſome attacks, tho' without ſucceſs, on the towns of Bourges and Iſſoudun. It appeared, that his intentions were to march into Normandy, and join his forces to thoſe of the duke of Lancaſter, and the partizans of the King of Navarre; but finding all the bridges on the Loire broke down, and every paſs carefully guarded, he was obliged to think of making his retreat into Guienne *. He found this reſolution the more neceſſary, from the intelligence which he received of the King of France's motions. That monarch, provoked at the inſult offered him by this incurſion, and entertaining hopes of ſucceſs from the young prince's temerity, collected a great army of above 60,000 men, and advanced with haſty marches to intercept his enemy. The prince, not aware of John's near approach, loſt ſome days, on his retreat, before the caſtle of Remorantin †; and thereby gave the French an opportunity of overtaking him. They came within ſight at Maupertuis near Poictiers; and Edward, ſenſible that his retreat was now become impracticable, prepared for battle with all the courage of a young hero, and with all the prudence of the oldeſt and moſt experienced commander.

Chap. XVI. 1356.

Battle of Poictiers.

But the utmoſt prudence and courage would have proved inſufficient to ſave him in this extremity, had the King of France known how to make uſe of his preſent advantages. His vaſt ſuperiority in numbers enabled him to ſurround the enemy; and by intercepting all their proviſions, which were already become ſcarce in the Engliſh camp, to reduce this ſmall army, without a blow, to the neceſſity of ſurrendering at diſcretion. But ſuch was the impatient ardour of the French nobility, and ſo much had their thoughts been bent on overtaking the Engliſh as their ſole object, that this idea never ſtruck any of the commanders; and they immediately prepared themſelves for the aſſault, as for a certain victory. While the French army was drawn up in order of battle, they were ſtopped by the appearance of the cardinal of Perigord; who, having learned the approach of the two armies to each other, had haſtened, by interpoſing his good offices, to prevent any farther effuſion of Chriſtian blood. By John's permiſſion, he carried propoſals to the prince of Wales; and found him ſo ſenſible of the bad poſture of his affairs, that an accommodation ſeemed not impracticable. Edward told him, that he would agree to any terms conſiſtent with his own honour and that of England; and he offered to purchaſe a retreat by reſigning all the conqueſts, which he had made during this and the former campaign, and by ſtipulating not to ſerve againſt France during the courſe of ſeven years. But John, imagining that he had

* Walſing. p. 171. † Froiſſart, liv. 1. chap. 158. Walſing. p. 171.

Chap. XVI. 1356. now got into his hands a ſufficient pledge for the reſtitution of Calais, required that Edward ſhould ſurrender himſelf priſoner with an hundred of his attendants; and offered on theſe terms a ſafe retreat to the Engliſh army. The prince rejected the propoſal with diſdain; and declared, that whatever fortune ſhould attend him, England ſhould never be obliged to pay the price of his ranſom. This reſolute anſwer cut off all hopes of accommodation; but as the day was already ſpent in negociating, the battle was delayed till the next morning *.

The cardinal of Perigord, as all the prelates of the court of Rome, was extremely attached to the French cauſe; but the moſt determined enemy could not have contrived a greater prejudice to John's affairs, than he did them by this delay. The prince of Wales had leiſure, during the night, to ſtrengthen, by new entrenchments, the poſt which he had before ſo judiciouſly choſen; and he contrived an ambuſh of 300 men at arms, and as many archers, whom he put under the command of the Captal de Buche, and ordered to make a circuit, that they might fall on the flank or rear of the French army during the engagement. The van of his army was commanded by the earl of Warwic, the rear by the earls of Saliſbury and Suffolk, the main body by the prince himſelf. The lords Chandos, Audeley, and many other brave and experienced commanders, were at the head of different corps of his army.

19th Sept.

John alſo arranged his forces in three diviſions, nearly equal: The firſt was commanded by the duke of Orleans, the King's brother; the ſecond by the Dauphin attended with his two younger brothers; the third by the King himſelf, who had by his ſide Philip his fourth ſon and favourite, then about fourteen years of age. There was no reaching the Engliſh army but thro' a narrow lane, covered on each ſide by hedges; and in order to open this paſſage, the mareſchals, Andrehen and Clermont, were ordered to advance with a ſeparate detachment of men at arms. While they marched along the lane, a body of Engliſh archers, who lined the hedges, plyed them on each ſide with their arrows; and being very near them, yet placed in perfect ſafety, they coolly took their aim againſt the enemy, and maſſacred them with impunity. The French detachment, much diſcouraged with the unequal fight, and diminiſhed in their number, arrived at the end of the lane, where they met on the open grounds the prince of Wales himſelf, at the head of a choſen body, ready for their reception. They were diſcomfited and overthrown: One of the mareſchals was ſlain; another taken priſoner: And the remainder of the detachment, who were ſtill in the lane, and expoſed to the ſhot of the enemy, without being able to make reſiſt-

* Froiſſart, liv. 1. chap. 161.

ance, recoiled upon their own army, and put every thing into disorder *. In that critical moment, the Captal de Buche unexpectedly appeared, and attacked in flank the Dauphin's line, which fell into some confusion. Landas, Bodenai and St. Venant, to whom the care of that young prince and his brothers had been committed, too anxious for their charge or for their own safety, carried them off the field to Chauvigny, and set the example of flight, which was followed, by that whole division. The duke of Orleans, seized with a like panic, and imagining all was lost, thought no longer of fighting, but carried off his division by a retreat, which soon turned also into a flight. The lord Chandos called out to the prince, that the day was won; and encouraged him to attack the division, under King John, which, tho' more numerous than the whole English army, were somewhat dismayed with the precipitate flight of their companions. John here made the utmost efforts to retrieve by his valour, what his imprudence had betrayed; and the only resistance made that day was by his line of battle. The prince of Wales fell with impetuosity on some German cavalry placed in the front, and commanded by the counts of Sallebruche, Nydo, and Nosto: A fierce battle ensued: The one side were encouraged by the near prospect of so great a victory: The other side were retained by the shame of quitting the field to an enemy so much inferior: But the three German generals, together with the duke of Athens, constable of France, falling in battle, that body of cavalry gave way, and left the King himself exposed to the whole fury of the enemy. The ranks were every moment thinned around him: The nobles, fell by his side, one after another: His son, scarce fourteen years of age, received a wound, while he was fighting valiantly in defence of his father: The King himself, spent with fatigue, and overwhelmed by numbers, might easily have been dispatched; but every English gentleman, ambitious of taking alive the royal prisoner, spared him in the action, called to him to surrender himself, and offered him quarter: Several, who attempted to seize him, suffered for their temerity. He still cried out, *Where is my cousin, the prince of Wales*; and seemed unwilling to become prisoner to any person of inferior rank. But being told, that the prince was at a great distance on the field, he threw down his gauntlet, and yielded himself to Dennis de Morbec, a knight of Arras, who had been obliged to fly his country for murder. His son was taken with him †.

Chap. XVI. 1356.

Captivity of the King of France.

The prince of Wales, who had been carried away in pursuit of the flying enemy, finding the field entirely clear, had ordered a tent to be pitched, and was reposing himself after the toils of battle; enquiring still with great anxiety concerning the fate of the French monarch. He dispatched the earl of Warwic to

* Froissart, liv. 1. chap. 162. † Rymer, vol. 6. p. 72, 154. Froissart, liv. 1. chap. 164.

bring

Chap. XVI. 1356. bring him intelligence, and that nobleman came happily in time to save the life of the captive prince, which was exposed to greater danger than it had been during the heat of action. The English had taken him by violence from Morbec: The Gascons claimed the honour of detaining the prisoner: And some brutal soldiers, rather than yield the prize to their rivals, had threatened to put him to death *. Warwic overawed both parties, and approaching the King with great demonstrations of respect, offered to conduct him to the prince's tent.

HERE commences the real and truly admirable heroism of Edward: For victories are vulgar things in comparison of that moderation and humanity discovered by a young prince of twenty seven years of age, not yet cooled from the fury of battle, and elated by as extraordinary and as unexpected success as had ever crowned the arms of any general. He came forth to meet the captive King with all the signs of regard and sympathy; administered comfort to him amidst his misfortunes; paid him the tribute of praise due to his valour; and ascribed his own victory merely to the blind chance of war or to a superior providence, which controuls all the efforts of human force and prudence †. The behaviour of John showed him not unworthy of this courteous treatment: His present abject fortune never made him forget a moment that he was a King: More sensible to Edward's generosity than to his own calamities, he confessed, that, notwithstanding his defeat and captivity, his honour was still unimpaired; and that, if he yielded the victory, it was at least gained by a prince of such consummate valour and humanity.

EDWARD ordered a magnificent repast to be prepared in his tent for the prisoners; and he himself served the royal captive's table, as if he had been one of his retinue: He stood at the King's back during the meal; constantly refused to take a place at table; and declared, that, being a subject, he was too well acquainted with the distance between his own rank, and that of royal majesty, to assume such freedom. All his father's pretensions to the crown of France were now buried in oblivion: John in captivity received the honours of a King, which were refused him, when seated on the throne: His misfortunes, not his title, were respected: And the French prisoners, conquered by this elevation of mind, more than by their late discomfiture, burst out into tears of joy and admiration; which were only checked by the reflection, that such genuine and unaltered heroism in an enemy must certainly in the issue prove but the more dangerous to their native country ‡.

* Froissart, liv. 1. chap. 164. † Paull. Œmil. p. 197. ‡ Froissart, liv. 1. chap. 168.

ALL

ALL the Engliſh and Gaſcon knights imitated the generous example ſet them by their prince. The captives were every where treated with humanity, and were ſoon after diſmiſſed on paying moderate ranſoms to the perſons into whoſe hands they had fallen. The extent of their fortunes was conſidered, and no more was exacted of them than what would ſtill leave them ſufficient to enable them, for the future, to perform their military ſervice in a manner ſuitable to their rank and quality. Yet ſo numerous were the noble priſoners, that theſe ranſoms, joined to the ſpoils of the field, were ſufficient to enrich the prince's army; and as they had ſuffered very little in the action, their joy and exultation was compleat. Chap. XVI. 1356.

THE prince of Wales conducted his priſoner to Bourdeaux; and not being provided of forces ſo numerous as might enable him to puſh his preſent advantages, he concluded a two years truce with France *, which was alſo become requiſite, that he might conduct the captive King with ſafety into England. He landed at Southwark, and was met by a prodigious concourſe of people, of all ranks and ſtations. The priſoner was clad in royal apparel, and mounted on a white ſteed, diſtinguiſhed by its ſize and beauty, and by the richneſs of its furniture. The conqueror rode by his ſide in a meaner attire, and carried by a black palfry. In this ſituation, much more glorious than all the inſolent parade of a Roman triumph, he paſſed thro' the ſtreets of London, and preſented the King of France to his father, who advanced to meet him, and received him with the ſame courteſy, as if he had been a neighbouring potentate, who had voluntarily come to pay him a friendly viſit †. It is impoſſible, in reflecting on this noble conduct, not to perceive the advantages which reſulted from the otherwiſe whimſical principles of chivalry, and which gave men in thoſe rude times ſome ſuperiority even over people of a more cultivated age and nation. 1357. 24th May.

THE King of France, beſides the generous treatment which he met with in England, had the melancholy conſolation of the wretched, to ſee their companions in affliction. The King of Scots had been eleven years a captive in Edward's hands; and the good fortune of this monarch had reduced at once the two neighbouring potentates, with whom he was engaged in war, to be priſoners in his capital. But Edward, finding that the conqueſt of Scotland was no wiſe advanced by the captivity of its ſovereign, and that the government, conducted by Robert Stuart, his heir and nephew, was ſtill able to defend itſelf, conſented to reſtore David Bruce to his liberty, for the ranſom of 100,000 marks ſterling; and that prince delivered the ſons of all his principal nobility, as hoſtages for the payment ‡.

* Rymer, vol. 6. p. 3. † Froiſſart, liv. 1. chap. 173. ‡ Rymer, vol. 6. p. 45, 46, 52, 56. Froiſſart, liv. 1. chap. 174. Walſingham, p. 173.

MEANWHILE

Chap. XVI. 1358. State of France.

MEANWHILE, the captivity of John, joined to the preceding diſorders of the French government, had produced in that country a diſſolution, almoſt total, of civil authority, and had occaſioned confuſions, the moſt horrible and deſtructive, which had ever been experienced in any age or in any nation. The Dauphin, now about eighteen years of age, naturally aſſumed the royal power during his father's captivity; but tho' endowed with excellent abilities, even in ſuch early years, he poſſeſſed neither the experience nor authority requiſite to defend a ſtate, aſſailed at once by foreign power and ſhaken by internal factions. In order to obtain ſupply, he aſſembled the ſtates of the kingdom: That aſſembly, inſtead of ſupporting his adminiſtration, were themſelves ſeized with the ſpirit of confuſion, and laid hold of the preſent opportunity to demand limitations of the prince's power, the puniſhment of paſt malverſations, and the liberty of the King of Navarre. Marcel, provoſt of the merchants and firſt magiſtrate of Paris, put himſelf at the head of the unruly populace; and from the violence and temerity of his character, puſhed them to commit the moſt criminal outrages againſt the royal authority. They detained the Dauphin in a ſort of captivity; they murdered in his preſence Robert de Clermont and John de Conflans, mareſchals of France; they threatened all the other miniſters with a like fate; and when Charles, who was obliged to temporize and diſſemble, made his eſcape from their hands, they levied war againſt him, and openly erected the ſtandard of rebellion. The other cities of the kingdom, in imitation of the capital, ſhook off the Dauphin's authority; took the government into their own hands; and ſpread the diſorder into every province. The nobles, whoſe inclinations led them to adhere to the crown, and were naturally diſpoſed to check theſe tumults, had loſt all their influence; and being reproached with cowardice on account of the baſe deſertion of their ſovereign in the battle of Poictiers, were treated with univerſal contempt by the inferior orders. The troops, who, from the deficiency of pay, were no longer retained in diſcipline, threw off all regard to their officers, ſought the means of ſubſiſtance by pillage and robbery, and aſſociating to them all the diſorderly people, with which that age abounded, formed numerous bands, which infeſted all quarters of the kingdom. They laid the open country deſolate; burned and plundered the villages; and by cutting off all means of communication or ſubſiſtence, reduced even the inhabitants of the walled towns to the moſt extreme neceſſity. The peaſants, formerly oppreſſed, and now left unprotected, by their maſters, became deſperate from their preſent miſery; and riſing every where in arms, carried to the laſt extremity thoſe diſorders, which were derived from the ſedition of the citizens and diſbanded ſoldiers *. The gentry, hated for their tyranny, were every where

* Froiſſart, liv. 1. chap. 182, 183, 184.

expoſed

expoſed to the violence of popular rage; and inſtead of meeting with regard for their paſt dignity, became only, on that account, the object of more wanton inſult to the mutinous peaſants. They were hunted like wild beaſts, and put to the ſword without mercy: Their caſtles were conſumed with fire, and levelled to the ground: Their wives and daughters were firſt raviſhed, and then murdered: The ſavages proceeded ſo far as to impale ſome gentlemen, and roaſt them alive before a ſlow fire: A body of nine thouſand of them broke into Meaux, where the wife of the Dauphin with above 300 ladies had taken ſhelter: The moſt brutal treatment and moſt atrocious cruelty were juſtly dreaded by this helpleſs company: But the Captal de Buche, tho' in the ſervice of Edward, yet moved by generoſity and by the gallantry of a true knight, flew to their relief, and beat off the peaſants with great ſlaughter. In other civil wars, the oppoſite factions, falling under the government of their ſeveral leaders, commonly preſerve ſtill the veſtige of ſome rule and order: But here the wild ſtate of nature ſeemed to be renewed: Every man was thrown looſe and independant from his fellows: And the great multitude of people, which had ariſen from the preceding police of civil ſociety, ſerved only to encreaſe the horrour and confuſion of the ſcene.

Amidst theſe diſorders, the King of Navarre made his eſcape from priſon, and preſented a dangerous leader to the furious malecontents *. But the ſplendid talents of this prince qualified him only to do miſchief, and to encreaſe the public confuſions: He wanted the ſteddineſs and prudence requiſite for making his intrigues ſubſervient to his ambition, and forming his numerous partizans into a regular faction. He revived his pretenſions, ſomewhat obſolete, to the crown of France; and indeed, if female ſucceſſion was to be admitted, his mother, the daughter of Lewis Hutin, brought him undoubtedly the only lawful title, and ſtood before Iſabella, the mother of Edward, in the courſe of deſcent. But while he advanced this claim, he relied entirely on his alliance with the Engliſh, who were concerned in intereſt to diſappoint his pretenſions, and who, being public and inveterate enemies to the ſtate, ſerved only, by the friendſhip which they ſeemingly bore him, to render his cauſe the more odious: And in all his operations, he acted more like a leader of banditti, than one who aſpired to be the head of a regular government, and who was engaged by his ſtation to endeavour the re-eſtabliſhment of order in the community.

The eyes, therefore, of all the French, who wiſhed to reſtore peace to their miſerable and deſolated country, were turned towards the Dauphin; and that

* Froiſſart, liv. 1. chap. 181.

Chap. XVI 1358. young prince, tho' not remarkable for his military talents, poſſeſſed ſo much prudence and ſpirit, that he gained daily the aſcendant over all his enemies. Marcel, the ſeditious provoſt, was ſlain, while he was attempting to deliver the city to the King of Navarre and the Engliſh; and the capital immediately returned to its duty *. The moſt conſiderable bodies of the mutinous peaſants were diſſipated, and put to the ſword: Some bands of military robbers underwent the ſame fate: And tho' many grievous diſorders ſtill remained, France began gradually to aſſume the face of a regular civil government, and to form ſome plan for its defence and ſecurity.

During the confuſion in the Dauphin's affairs, Edward ſeemed to have a favourable opportunity of puſhing his conqueſts: But beſides that his hands were tied by the truce, and he could only aſſiſt underhand the faction of Navarre; the ſtate of the Engliſh finances and military power during thoſe ages rendered the kingdom incapable of making any regular or ſteddy effort, and obliged it to exert its force at very diſtant intervals, by which all the projected ends were commonly diſappointed. Edward employed himſelf, during a conjuncture ſo inviting, chiefly in negotiations with his priſoner; and John had the weakneſs to ſign terms of peace, which, had they taken effect, muſt have totally ruined and diſmembered his kingdom. He agreed to reſtore all the provinces, which had been poſſeſſed by Henry II. and his two ſons, and to annex them for ever to England without any obligation of homage or fealty on the part of the Engliſh monarch. But the Dauphin and the ſtates of France rejected this treaty, ſo diſhonourable and pernicious to the kingdom †; and Edward, on the expiration of the truce, having now, by ſubſidies and frugality, collected ſome treaſure, prepared himſelf for a new invaſion of France.

The great authority and renown of the King and the prince of Wales, the ſplendid ſucceſs of their former enterprizes, and the certain proſpect of plunder from the defenceleſs provinces of France, ſoon brought together all the military power of England; and the ſame motives invited to Edward's ſtandard all the hardy adventurers of the different countries of Europe ‡. He paſſed over to Calais with an army of 100,000 men; a force, which the Dauphin could not pretend to withſtand in the open field: And he therefore prepared himſelf to elude a blow, which it was impoſſible for him to reſiſt. He put all the conſiderable towns in a poſture of defence; ordered them to be ſupplied with magazines and proviſions; diſtributed proper garriſons in all places; ſecured every thing

* Froiſſart, liv. 1. chap. 187. † Froiſſart, liv. 1. chap. 201. ‡ Froiſſart, liv. 1. chap. 205.

valuable

valuable in the fortified cities: and chose his own station at Paris, with a view of allowing the enemy to waste their fury on the open country. Chap. XVI.

1359. 4th Novr. Invasion of France.

THE King, aware of this plan of defence, was obliged to carry along with him six thousand waggons loaded with the provisions necessary for the subsistance of his army. After ravaging the province of Picardy, he advanced into Champagne; and having a strong desire of being crowned King of France at Rheims, the usual place in which that ceremony is performed, he laid siege to the city, and carried on his attacks, tho' without success, for the space of seven weeks *. The place was bravely defended by the inhabitants, encouraged by the exhortations of the archbishop, John de Craon; till the advanced season (for this expedition was entered upon in the beginning of winter) obliged the King to raise the siege. The province of Champagne, meanwhile, was laid desolate by his incursions; and he thence conducted his army, with a like intent into Burgundy. He took and pillaged Tonnerre, Gaillon, Avalon, and other small places; but the duke of Burgundy, that he might preserve his country from farther ravages, consented to pay him the sum of 100,000 nobles †. Edward then bent his march towards the Nivernois, which saved itself by a like composition: He laid waste the Brie and the Gatinois; and after a long march, very destructive to France, and somewhat ruinous to his own troops, he appeared before the gates of Paris, and taking up his quarters at Bourg-la-Reine, extended his army to Long-jumeau, Mont-rouge and Vaugirard. He tried to provoke the Dauphin to hazard a battle, by sending him a defiance; but could not make that prudent prince change his plan of operations. Paris was safe from the danger of an assault by its numerous garrison; from that of a blockade by its well supplied magazines; and as Edward could not subsist his own army in a country, wasted by foreign and domestic enemies, and left also empty by the precaution of the Dauphin, he was obliged to remove his quarters, and he spread his army into the provinces of Maine, Beausse, and the Chartraine, which were abandoned to the fury of their devastations ‡. The only repose which France experienced was during the festival of Easter, when the King stopped the course of his ravages. For superstition can sometimes restrain the rage of man, which neither justice nor humanity is able to controul. 1360.

WHILE the war was carried on in this ruinous manner, the negotiations for peace were never interrupted: But as the King still insisted on the full execution of the treaty, which he had made with his prisoner at London, and which was strenuously rejected by the Dauphin, there appeared no likelihood of an accom-

* Froissart, liv. 1. chap. 208. Walsingham, p. 174. † Rymer, vol. 6. p. 161. Walsingham, p. 174. ‡ Walsingham, p. 175.

Chap. XVI. 1360.

modation. The earl, now duke of Lancaſter (for this title was introduced into England during the preſent reign) endeavoured to ſoften the rigor of theſe terms, and to terminate the war on more equal and reaſonable conditions. He inſiſted with Edward, that, notwithſtanding his great and ſurprizing ſucceſſes, the object of the war, if ſuch was to be eſteemed the acquiſition of the crown of France, was not become any nearer than at the commencement of it; or rather, was ſet at a greater diſtance by thoſe very victories and advantages, which ſeemed to lead to it. That his claim of ſucceſſion had not from the firſt procured him one partizan in the kingdom; and the continuance of theſe deſtructive hoſtilities had united every Frenchman in the moſt implacable animoſity againſt him. That tho' inteſtine faction had crept into the government of France, it was abating every moment; and no party, even during the greateſt heat of the conteſt, when ſubjection under a foreign enemy uſually appears preferable to the dominion of fellow citizens, had ever adopted the pretenſions of the King of England. That the King of Navarre himſelf, who alone was allied with the Engliſh, inſtead of being a cordial friend, was Edward's moſt dangerous rival, and in the opinion of his partizans appeared to poſſeſs a much preferable title to the crown of France. That the prolongation of the war, however it might enrich the Engliſh ſoldiers, was ruinous to the King himſelf, who bore all the charges of the armament, without reaping any ſolid or durable advantage from thence. That if the preſent diſorders of France continued, that kingdom would ſoon be reduced to ſuch deſolation as to afford no ſpoils to its ravagers; if it could eſtabliſh a more ſteady government, it might turn the chance of war in its favour, and by its ſuperior force and advantages be able to repel the preſent victors. That the Dauphin, even during his greateſt diſtreſſes, had yet conducted himſelf with ſo much prudence as to prevent the Engliſh from acquiring one foot of land in the kingdom; and it were better for the King to accept by a peace what he had in vain attempted to acquire by hoſtilities, which, however hitherto ſucceſsful, had been extremely expenſive, and might prove very dangerous. And that Edward having acquired ſo much glory by his arms, the praiſe of moderation was the only honour, which he could now aſpire to; an honour ſo much the greater, that it was durable, was united with that of prudence, and might be attended with the moſt real advantages †.

Peace of Bretigni.

THESE reaſons induced Edward to accept of more equitable terms of peace; and it is probable, that, in order to palliate this change of reſolution, he aſcribed it to a vow, made during a terrible tempeſt which attacked his army on their march, and which the antient hiſtorians repreſent as the cauſe of this ſudden ac-

* Froiſſart, liv. 1. chap. 211.

com-

commodation *. The conferences between the Engliſh and French commiſſioners were carried on during a few days at Bretigni in the Chartraine, and the peace was at laſt concluded on the following conditions †: It was ſtipulated, that King John ſhould be reſtored to his liberty, and ſhould pay as his ranſom three millions of crowns of gold, about 1,500,000 pounds of our preſent money ‡; which was to be diſcharged at different payments: That Edward ſhould for ever renounce all claim to the crown of France, and to the provinces of Normandy, Maine, Touraine, and Anjou, poſſeſſed by his anceſtors; and ſhould receive in exchange the provinces of Poictou, Xaintonge, l'Agenois, Perigort, the Limouſin, Quercy, Rovergue, l'Angoumois, and other diſtricts in that quarter, together with Calais, Guiſnes, Montreuil, and the county of Ponthieu, on the other ſide of France: That the full ſovereignty of all theſe provinces, as well as that of Guienne, ſhould be veſted in the crown of England, and that France ſhould renounce all title to feudal juriſdiction, homage, or appeal from them: That the King of Navarre ſhould be reſtored to all his honours and poſſeſſions: That Edward ſhould renounce his confederacy with the Flemiſh, John his connexions with the Scots: That the diſputes concerning the ſucceſſion of Brittany, between the families of Blois and Mountfort, ſhould be decided by arbiters, appointed by the two Kings, and if the competitors refuſed to ſubmit to the ſentence, the diſpute ſhould no longer be a ground of war between the kingdoms: And that forty hoſtages, ſuch as ſhould be agreed on, ſhould be ſent to England as a ſecurity for the execution of all theſe conditions §. Chap. XVI. 1360. 8th May.

In conſequence of this treaty of peace, the King of France was brought over to Calais; whither Edward alſo ſoon after arrived: And both princes there ſolemnly 8th July.

* Froiſſart, liv. 1. chap. 211. † Rymer, vol. 6. p. 178. Froiſſart, liv. 1. chap. 212.

‡ This is a prodigious ſum, and probably near the half of what the King received from the parliament during the whole courſe of his reign. It muſt be remarked, that a tenth and fifteenth (which was always thought a high grant) were, in the eighth year of his reign, fixed at about 29,000 pounds: There were about 30,000 ſacks of wool exported every year: A ſack of wool was at a medium ſold for five pounds. Upon theſe ſuppoſitions it would be eaſy to compute all the parliamentary grants, taking the liſt as they ſtand in Tyrrel, vol. 3. p. 780: Tho' much muſt ſtill be left to conjecture. This King levied more money from his ſubjects than any of his predeceſſors; and the parliament frequently complain of the poverty of the people, and the oppreſſions under which they laboured. But it is to be remarked, that the half of the French King's ranſom was not paid before the war broke out between the two crowns: His ſon choſe rather to employ the money in combating the Engliſh, than in enriching them. See Rymer, vol. 8. p. 315.

§ The hoſtages were the two ſons of the French King, John and Lewis; his brother Philip duke of Orleans, the duke of Bourbon, James de Bourbon count de Ponthieu, the counts d'Eu, de Longueville, de St. Pol, de Harcourt, de Vendome, de Couci, de Craon, de Montmorenci, and many of the chief nobility of France. The princes were moſtly releaſed on the fulfilling of certain articles: Others of the hoſtages, and the duke of Berry among the reſt, were permitted to return upon their parole, which they did not keep. Rymer, vol. 6. p. 278, 285, 287.

ratified

Chap. XVI. 1360. ratified the treaty. John was sent to Boulogne; the King accompanied him a mile in his journey; and the two monarchs parted, with many professions, probably cordial and sincere, of mutual friendship and amity *. The good disposition of John made him fully sensible of the generous treatment which he had met with in England, and obliterated all memory of the ascendant gained over him by his rival. There seldom has been a treaty of so great importance so faithfully executed by both parties. Edward had scarcely from the beginning entertained any hopes of acquiring the crown of France: By restoring John to his liberty, and making peace at a juncture so favourable to his arms, he had now plainly renounced all pretensions of this nature: He had sold at a very high price that chimerical claim: And had at present no other interest than to retain those acquisitions which he had made with such singular prudence and good fortune. John, on the other hand, tho' the terms were severe and rigorous upon him, possessed such fidelity and honour, that he was determined at all hazards to execute them; and to use every expedient for satisfying a monarch, who had indeed been his greatest political enemy, but had treated him personally with singular humanity and regard. But, notwithstanding all his endeavours, there occurred many difficulties in fulfilling his purpose; chiefly from the extreme reluctance, which many towns and vassals in the neighbourhood of Guienne, expressed against submitting to the English dominion †; and John, in order to adjust these differences, took a resolution of coming over himself into England. His council endeavoured to dissuade him from this rash design; and probably would have been pleased to see him employ more chicanery, for eluding the execution of so disadvantageous a treaty: But John replied to them, that, tho' good faith were banished from the rest of the earth, she ought still to retain her habitation in the breasts of princes. Some historians would detract from the merit of this honourable behaviour, by representing John as enamoured of an English lady, to whom he was glad, on this pretence, to pay a visit: But besides, that this surmize is not founded on any good authority, it appears very unlikely on account of the advanced age of that prince, who was now in his fifty-sixth year. He was lodged in the Savoy; the palace where he had resided during his captivity, and where he soon after sickened and died. Nothing can be a stronger proof of the great dominion of fortune over men, than the calamities which pursued a monarch of such eminent valour, goodness and honour, and which he incurred merely by reason of some slight imprudences, which, in other situations, would have been of no importance. But tho' both his reign and that of his father, proved extremely unfortunate to their kingdom, the French crown acquired, during their time, very considerable accessions, those of

1363.

1364.

8th April.

* Froissart, liv. 1. cap. 213. † Froissart, liv. 1. chap. 214.

Dauphiny

Dauphiny and Burgundy. This latter province, however, John had the imprudence again to dismember from the crown, by bestowing it on Philip his fourth son, and chief favourite *; a deed, which was afterwards the source of many calamities to his kingdom. Chap. XVI. 1364.

JOHN was succeeded in the throne by Charles, the Dauphin, a prince educated in the school of adversity, and well qualified, by his consummate prudence and experience, to repair all the losses, which the kingdom had suffered from the errors of his two predecessors. Contrary to the practice of all the great princes of those times, which held nothing in estimation but military courage, he seems to have fixed it as a maxim never to appear at the head of his armies; and he was the first King in Europe, who showed the advantages of policy, foresight and judgment, above a rash and precipitate valour. The events of his reign, compared with those of the preceding, are a proof, how little reason kingdoms have to value themselves on their victories, or to be humbled by their defeats, which in reality ought to be ascribed entirely to the good or bad conduct of their rulers, and go a very little way towards determining national characters and manners.

BEFORE Charles could think of counter-ballancing so great a power as England, it was necessary for him to remedy the many disorders, to which his own kingdom was exposed. He turned his arms against the King of Navarre, the great disturber of France during that age: He defeated that prince by the conduct of Bertrand du Guesclin, a gentleman of Brittany, one of the most accomplished characters of the age, whom he had the discernment to choose as the instrument of all his victories †: And he obliged his enemy to accept of moderate terms of peace. Du Guesclin was less fortunate in the wars of Brittany, which still continued, notwithstanding the mediation of France and England: He was defeated and taken prisoner at Auray by Chandos: Charles de Blois, was there slain, and the young count de Mountfort soon after got entire possession of that dutchy ‡. But the prudence of Charles broke the force of this blow: He submitted to the decision of fortune: He acknowledged the title of Mountfort, tho' a zealous partizan of England; and received the profered homage for his dominions. But the chief obstacle which the French King met with in the settlement of the state, proceeded from obscure enemies, whom their crimes alone rendered eminent, and their number dangerous. State of France.

ON the conclusion of the treaty of Bretigni, the many military adventurers, who had followed the fortunes of Edward, being dispersed into the several pro-

* Rymer, vol. 6. p. 421. † Froissart, liv. 1. chap. 119, 120, 122. ‡ Froissart, liv. 1. chap. 227, 228, &c. Walsing. p. 180.

vinces,

Chap. XVI. 1364. vinces, and poſſeſſed of ſtrong holds, refuſed to lay down their arms, or relinquiſh a courſe of life, to which they were now accuſtomed, and by which alone they could gain a ſubſiſtance *. They aſſociated themſelves with the banditti, who were already enured to the habits of rapine and violence; and under the name of the *companies* and *companions*, became a terror to all the peaceable inhabitants. Some Engliſh and Gaſcon gentlemen of character, particularly ſir Matthew Gournay, ſir Hugh Calverley, the chevalier Verte, and others, were not aſhamed to take the command of theſe ruffians, whoſe numbers amounted on the whole to near 40,000, and who bore the appearance of regular armies, rather than bands of robbers. Theſe leaders fought pitched battles with the troops of France, and gained victories; in one of which Jaques de Bourbon, a prince of the blood, was ſlain †: And they proceeded to ſuch a height, that they wanted little but regular eſtabliſhments to become princes, and thereby ſanctify, by the maxims of the world, their infamous profeſſion. The greater ſpoil they committed on the country, the more eaſy they found it to recruit their number: All thoſe, who were reduced to miſery and deſpair, flocked to their ſtandard: The evil was every day encreaſing: And tho' the Pope declared them excommunicate, theſe military plunderers, however deeply affected with this ſentence, to which they paid a much greater regard than to any maxims of juſtice or humanity, could not be induced by it to betake themſelves to any peaceable or lawful profeſſion.

1366. As Charles was not able by power to redreſs ſo enormous a grievance, he was led, both by neceſſity, and by the turn of his character, to correct it by policy, and to contrive ſome method of diſcharging into foreign countries this dangerous and inteſtine evil.

PETER, King of Caſtile, ſtigmatized by his contemporaries and by poſterity, with the epithet of *Cruel*, had filled with blood and murder his kingdom and his own family; and having incurred the univerſal hatred of his ſubjects, he kept only from preſent terror an anxious and precarious poſſeſſion of the throne. His nobles fell every day the victims of his ſeverity: He put to death ſeveral of his natural brothers from groundleſs jealouſy: Each murder, by multiplying his enemies, became the occaſion of freſh barbarities: And as he was not deſtitute of talents, his neighbours, no leſs than his own ſubjects, were alarmed by the progreſs of his violence and injuſtice. The ferocity of his temper, inſtead of being ſoftened by his ſtrong propenſity to love, was rather enflamed by that paſſion, and took thence new occaſion to exert itſelf. Inſtigated by Mary de Padilla, who had acquired the aſcendant over him, he threw into priſon Blanche de Bour-

* Froiſſart, liv. 1. chap. 214. † Froiſſart, liv. 1. chap. 214, 215.

bon,

bon, his wife, ſiſter to the Queen of France; and ſoon after made way by poiſon for the eſpouſing of his miſtreſs. Chap. XVI. 1366.

HENRY, count de Tranſtamare, his natural brother, ſeeing the fate of every one who had become obnoxious to this tyrant, took arms againſt him; but being foiled in the attempt, he ſought for refuge in France, where he found the minds of every one extremely enflamed againſt Peter, on account of his murder of the French princeſs. He propoſed to Charles the enliſting of the *companies* into his ſervice, and leading them into Caſtile; where, from the concurrence of his own friends, and the enemies of his brother, he had the proſpect of certain and immediate ſucceſs. The French King, charmed with the project, employed Du Gueſclin in negotiating with the leaders of theſe banditti. The treaty was ſoon concluded. The high character of honour, which that general poſſeſſed, made every one truſt to his promiſes: Tho' the intended expedition was kept a ſecret, the companies implicitly inliſted under his ſtandard: And they required no other condition before their engagement, than an aſſurance, that they were not to be led againſt the prince of Wales in Guienne. But that prince was ſo little averſe to the enterprize, that he allowed ſome gentlemen of his retinue to enter into the ſervice under du Gueſclin.

DU GUESCLIN, having compleated his levies, led the army firſt to Avignon, where the Pope then reſided, and demanded, ſword in hand, an abſolution for his ſoldiers, and the ſum of 200,000 livres. The firſt was very readily promiſed him; ſome more difficulty was made with regard to the ſecond. "I believe "my fellows," replied du Gueſclin, "may make a ſhift to do without your "abſolution; but the money is abſolutely neceſſary." The Pope then extorted from the inhabitants in the city and neighbourhood the ſum of an hundred thouſand livres, and offered it to Du Gueſclin. "It is not my purpoſe," cried that generous warrior, "to oppreſs the innocent people. The Pope and his cardi- "nals themſelves can eaſily ſpare me that ſum from their own pockets. This "money, I inſiſt, muſt be reſtored to the owners. And ſhould they be de- "frauded of it, I ſhall myſelf return from the other ſide of the Pyrenees, and "oblige you to make them reſtitution." The Pope found the neceſſity of ſubmiſſion, and paid him, from his own treaſury, the ſum demanded *. The army hallowed by the bleſſings, and enriched by the ſpoils of the church, proceeded on their expedition.

THESE experienced and hardy ſoldiers, conducted by ſo able a general, eaſily prevailed over the King of Caſtile, whoſe ſubjects, inſtead of ſupporting their oppreſſor, were ready to join the enemy againſt him †. Peter fled from his dominions, took ſhelter in Guienne, and craved the protection of the prince of

* Hiſt. de Du Gueſclin. † Froiſſart, liv. 1. chap. 230.

Chap. XVI. 1366. Wales, whom his father had inveſted with the ſovereignty of theſe conquered provinces, under the title of the principality of Aquitaine *. The prince ſeemed now to have entirely changed his ſentiments with regard to the Spaniſh tranſactions: Whether that he was moved by the generoſity of ſupporting a diſtreſt prince, and thought, as is but too uſual among ſovereigns, that the rights of the people were a matter of much leſs conſideration; or dreaded the acquiſition of ſo powerful a confederate to France as the new King of Caſtile; or what is moſt probable, was impatient of reſt and eaſe, and ſought only an opportunity of exerting his military talents, by which he had already acquired ſo much renown. He promiſed his aſſiſtance to the dethroned monarch; and having obtained the conſent of his father, he levied a great army, and ſet out upon his enterprize. He was accompanied by his younger brother, John of Gaunt, created duke of Lancaſter, in the place of the good prince of that name, who had died without any male iſſue, and whoſe daughter he had eſpouſed. Chandos alſo, who bore among the Engliſh the ſame character, which Du Gueſclin had acquired among the French, commanded under him in this expedition.

1367. Expedition into Caſtile.

The firſt blow which the prince of Wales gave to Henry de Tranſtamare, was the recalling all the *companies* from his ſervice; and ſo much reverence did they bear to the name of Edward, that great numbers of them immediately withdrew from Spain, and inliſted under his ſtandard. Henry however, beloved by his new ſubjects, and ſupported by the King of Arragon and others of his neighbours, was able to meet the enemy with an army of 100,000 men; forces three times more numerous than thoſe commanded by Edward. Du Gueſclin and all his experienced officers adviſed him to delay any deciſive action, to cut off the prince of Wales's proviſions, and to avoid every engagement with a general, whoſe enterprizes had hitherto been always conducted with prudence, and crowned with ſucceſs. Henry truſted too much to his numbers; and ventured to encounter the Engliſh prince at Najara †. Hiſtorians of that age are commonly very copious in deſcribing the ſhock of armies in battle, the valour of the combatants, the ſlaughter and various ſucceſſes of the day: But tho' ſmall rencounters in thoſe times were often well diſputed, the military diſcipline was always too imperfect to preſerve order in great armies; and ſuch actions deſerve more the name of routs than of battles. Henry was chaced off the field with the loſs of above 20,000 men: There periſhed only four knights and forty private men on the ſide of the Engliſh.

3d April.

Peter, who ſo well merited the infamous epithet which he bore, propoſed to murder all his priſoners in cold blood; but was reſtrained from this barbarity by the remonſtrances of the prince of Wales. All Caſtile now ſubmitted to the

* Rymer, vol. 6. p. 384. Froiſſart, liv. 1. chap. 231.

† Froiſſart, liv. 1. chap. 241.

victor:

victor: Peter was reſtored to the throne: And Edward finiſhed this perilous enterprize with his uſual glory. But he had ſoon reaſon to repent the aſſociating himſelf with a man like Peter, abandoned to all ſenſe of virtue and honour. The ungrateful tyrant refuſed the ſtipulated pay to the Engliſh forces; and Edward, finding his ſoldiers daily periſh by ſickneſs, and even his own health impaired by the climate, was obliged, without receiving any ſatisfaction on this head, to return into Guienne *. Chap. XVI. 1367.

THE monſtrous cruelties, exerciſed by Peter over his helpleſs ſubjects, whom he now regarded as vanquiſhed rebels, revived all the animoſity of the Caſtilians againſt him; and on the return of Henry de Tranſtamare, together with Du Gueſclin, and ſome forces levied anew in France, the tyrant was again dethroned, and was taken priſoner. His brother, in reſentment of his cruelties, murdered him with his own hand; and was placed on the throne of Caſtile, which he tranſmitted to his poſterity. The duke of Lancaſter, who eſpouſed in ſecond marriage the eldeſt daughter of Peter, inherited only the empty title of that ſovereignty, and encreaſed the animoſity of the new King of Caſtile againſt England.

BUT the prejudice, which the affairs of prince Edward received from this ſplendid, tho' imprudent expedition, ended not with it. He had involved himſelf in ſo much debt by his preparations and the pay of his troops, that he found it neceſſary, on his return, to impoſe on his principality a new tax, which ſome of the nobility ſubmitted to with extreme reluctance, and to which others abſolutely refuſed compliance †. This incident revived the animoſity which the inhabitants bore to the Engliſh, and which all the amiable qualities of the prince of Wales were not able to mitigate or aſſuage. They complained, that they were conſidered as a conquered people, that their privileges were diſregarded, that all truſt was given to the Engliſh alone, that every office of honour and profit was conferred on theſe foreigners, and that the extreme reluctance, which moſt of them had expreſſed, to receive this new yoke, was likely to be long remembered againſt them. They caſt, therefore, their eyes towards their antient ſovereign, 1368. Rupture with France.

* Froiſſart, liv. 1. chap. 242, 243. Walſingham. p. 182.

† This tax was a livre upon a hearth; and it was imagined, that this impoſition would have yielded 1200,000 livres a year, which ſuppoſes ſo many hearths in the provinces poſſeſſed by the Engliſh. But ſuch looſe conjectures have no manner of authority, much leſs, in ſuch ignorant times. There was a ſtrong inſtance of it in the preſent reign. The houſe of commons granted the King a tax of twenty two ſhillings on each pariſh, ſuppoſing that the amount of the whole would be 50,000 pounds. But they were found to be in a miſtake of near ſix to one. Cotton, p. 3. And the privy council aſſumed the power of augmenting the tax, ſo as to make it anſwer the ſums propoſed to be levied by it; which was certainly a very irregular practice.

Chap. XVI. 1368. whoſe prudence, they found, had now brought the affairs of his kingdom into excellent order; and the counts of Armagnac, Comminge, and Perigord, the lord d'Albert, with other nobles, went to Paris, and were encouraged to carry their complaints to Charles, as to their lord Paramount, againſt theſe oppreſſions of the Engliſh government *.

In the treaty of Bretigni it had been agreed, that the two Kings ſhould make renounciations; Edward of his claim to the crown of France and to the provinces of Normandy, Maine, and Anjou; John of the homage and fealty due for Guienne and the other provinces ceded to the Engliſh. But when that treaty was confirmed and renewed at Calais, it was found neceſſary, on account of ſome formalities peculiar to the feudal law, that the mutual renounciations ſhould for ſome time be deferred; and it was agreed, that the parties, mean-while, ſhould make no uſe of theſe claims againſt each other †. Tho' the failure in exchanging theſe renounciations had ſtill proceeded from France ‡, Edward appears to have taken no umbrage at it; both becauſe this clauſe ſeemed to give him entire ſecurity, and becauſe ſome reaſonable apology had probably been made to him for each delay. It was, however, on this pretence, groſs and iniquitous as it was, that Charles reſolved to ground his claim, of conſidering himſelf ſtill as ſuperior lord of theſe provinces, and of receiving the appeals of his ſub-vaſſals §.

1369. But as the views of policy, more than thoſe of juſtice, enter into the deliberations of princes; and as the mortal injuries received from the Engliſh, the pride of their triumphs, the ſevere terms impoſed by the treaty of Peace, ſeemed to render every prudent means of revenge honourable againſt them; Charles was determined to take this meaſure, leſs by the reaſonings of his civilians and lawyers, than by the preſent ſituation of the two monarchies. He conſidered the declining years of Edward, the languiſhing ſtate of the prince of Wales's health, the affection which the inhabitants of all theſe provinces bore to their antient maſter, their diſtance from England, their contiguity to France, the extreme animoſity expreſſed by his own ſubjects againſt theſe invaders, and their ardent thirſt of vengeance; and having made ſilently all the preparations requiſite, he ſent to the prince of Wales a ſummons to appear in his court at Paris, and there to juſtify his conduct towards his vaſſals. The prince replied, that he would come to Paris; but it ſhould be at the head of ſixty thouſand men ‖. The unwarlike character of Charles kept Edward, even yet, from thinking, that that monarch was in earneſt, in this bold and hazardous attempt.

* Froiſſart, liv. 1. chap. 244. † Rymer, vol. 6. p. 219, 230, 237. ‡ Rot. Franc. 35 Edw. III. m. 3. from Tyrrel, vol. 3. p. 643. § Froiſſart, liv. 1. chap. 245.
‖ Froiſſart, liv. 1. chap. 247, 248.

In

Chap. XVI.

It ſoon appeared what a poor return the King received from his diſtant conqueſts for all the blood and treaſure expended in the quarrel, and how impoſſible it was to retain acquiſitions, in an age when no regular force could be maintained ſufficient to defend them againſt the revolt of the inhabitants, much leſs, if that danger was conjoined with the invaſion of a foreign enemy. Charles fell firſt upon Ponthieu, which gave the Engliſh an inlet into the heart of France: The citizens of Abbeville opened their gates to him *: Thoſe of St. Valori, Rue, and Crotoy imitated the example, and the whole country was in a little time reduced to ſubmiſſion. The dukes of Berri and Anjou, brothers to Charles, being aſſiſted by Du Gueſclin, who was recalled from Spain, invaded the ſouthern provinces; and by means of their good conduct, the favourable inclinations of the people, and the ardor of the French nobility, made every day conſiderable progreſs againſt the Engliſh. The ſtate of the prince of Wales's health did not permit him to mount on horſeback, or exert his uſual activity: Chandos, the conſtable of Guienne, was ſlain in one action †: The Captal de Buche, who ſucceeded him in that office, was taken priſoner in another ‡: And when young Edward himſelf was obliged by his increaſing infirmities to throw up the command, and return to his native country, the Engliſh affairs in the ſouth of France ſeemed to be menaced with a total ruin.

1370.

Ill ſucceſs of the Engliſh.

Edward, incenſed at theſe injuries, threatned to put to death all the French hoſtages, who remained in his hands; but on reflection abſtained from that ungenerous revenge. After reſuming, by advice of parliament, the vain title of King of France ||, he endeavoured to ſend ſuccours into Gaſcony; but all his attempts, both by ſea and land, proved unſucceſsful. The earl of Pembroke was intercepted at ſea and taken priſoner with his whole army near Rochelle by a fleet, which Henry, King of Caſtile, had fitted out for that purpoſe §: Edward himſelf embarked for Bourdeaux with another army; but was ſo long detained by contrary winds, that he was obliged to lay aſide the enterprize ⊹. Sir Robert Knolles, at the head of 30,000 men, marched out of Calais, and continued his ravages to the gates of Paris, without being able to provoke the enemy to an engagement: He proceeded on his march to the provinces of Maine and Anjou, which he laid waſte; but part of his army being there defeated by the conduct of Du Gueſclin, who was now created conſtable of France, and who ſeems to have been the firſt conſummate general, that had yet appeared in Europe, the reſt

* Walſingham, p. 183.
† Froiſſart, liv. 1. chap. 277. Walſingham, p. 185.
‡ Froiſſart, liv. 1. chap. 310.
|| Rymer, vol. 6. p. 621. Cotton's Abridg. p. 108.
§ Froiſſart, liv. 1. chap. 302, 303, 304. Walſingham, p. 186.
⊹ Froiſſart, liv. 1. cap. 311. Walſingham, p. 187.

were

Chap. XVI. 1370. were scattered and dispersed, and the small remains of it, instead of reaching Guienne, took shelter in Brittany, whose sovereign had embraced the alliance of England *. The duke of Lancaster, some time after, made a like attempt with an army of 25,000 men; and marched the whole length of France from Calais to Bourdeaux; but was so much harassed by the flying parties which attended him, that he brought not the half of his army to the place of their destination. Edward, from the necessity of his affairs, was at last obliged to conclude a truce with the enemy †; after almost all his antient possessions in France had been ravished from him, except Bourdeaux and Bayonne, and all his conquests, except Calais.

The decline of the King's life was exposed to many mortifications, and corresponded not to the splendid and noisy scenes, which had filled the beginning and the middle of it. Besides seeing the loss of his foreign dominions, and being baffled in every attempt to defend them; he felt the decay of his authority at home, and experienced, from the sharpness of some parliamentary remonstrances, the great inconstancy of the people, and the influence of present fortune over all their judgments ‡. This prince, who, during the vigor of his age, had been chiefly occupied in the pursuits of war and ambition, began, at an unseasonable period, to indulge himself in pleasure; and being now a widower, he attached himself to a lady of sense and spirit, one Alice Pierce, who acquired a great ascendant over him, and by her influence gave so much disgust to his people, that, in order to satisfy the parliament, he was obliged to remove her from court ‖. The indolence also, naturally attending old age and infirmities, had made him, in a great measure, resign the administration into the hands of his son, the duke of Lancaster, who, as he was far from being popular, weakened extremely the affection, born by the English to the person and government of the King. Men carried their jealousies very far against the duke; and as they saw, with infinite regret, the death of the prince of Wales every day approaching, they apprehended, lest the succession of his son, Richard, now a minor, should be defeated by the intrigues of Lancaster, and by the weak indulgence of the old King. But Edward, in order to satisfy both the people and the prince on this head, declared in parliament his grandson heir and successor to the crown; and thereby cut off all the hopes of the duke of Lancaster, if he ever had the temerity to entertain any.

1376. 8th June. Death of the prince of Wales.

The prince of Wales, after a lingering illness, died in the forty-sixth year of his age; and left a character, illustrated by every eminent virtue, and from

* Froissart, liv. 1. chap. 291. Walsingham, p. 185. † Froissart, liv. 1. chap. 321. Walsingham, p. 187. ‡ Walsingham, p. 189. Ypod Neust. 530. ‖ Walsingham, p. 189.

his

his earlieſt youth till the hour he expired, unſtained by any blemiſh. His valor and military talents formed the ſmalleſt part of his merit: His generoſity, humanity, affability, moderation, gained him the affections of all the world; and he was qualified to throw a luſtre, not only on that rude age, in which he lived, and which nowiſe infected him with its vices, but on the moſt ſhining period of antient or modern hiſtory. The King ſurvived about a year this melancholy incident: England was deprived at once of both of theſe princes, its chief ornament and ſupport: He expired in the ſixty-fifth year of his age and the fifty-firſt of his reign; and the people were ſenſible, tho' too late, of the irreparable loſs, which they had ſuſtained. Chap. XVI. 1376. 1376. 21ſt June. Death

and character of the King.

The Engliſh are apt to conſider with peculiar fondneſs the hiſtory of Edward III. and to eſteem his reign, as it was one of the longeſt, the moſt glorious alſo, which occurs in the annals of their nation. The aſcendant which they then began to acquire over France, their rival and national enemy, makes them caſt their eyes on this period with great complacency, and ſanctifies every meaſure, which Edward embraced for that end. But the domeſtic government of this prince is really more admirable than his foreign victories; and England enjoyed, by the prudence and vigor of his adminiſtration, a longer interval of domeſtic peace and tranquillity than ſhe had been bleſt with in any former period, or than ſhe experienced for many ages after. He gained the affections of the great, yet curbed their licentiouſneſs: He made them feel his power, without their daring, or even being inclined, to murmur at it: His affable and obliging behaviour, his munificence and generoſity, made them ſubmit with pleaſure to his dominion; his valor and conduct made them ſucceſsful in moſt of their enterprizes; and their unquiet ſpirits, directed againſt a public enemy, had no leiſure to breed thoſe diſturbances, to which they were naturally ſo much inclined, and which the frame of the government ſeemed ſo much to authorize. This was the chief benefit, which reſulted from Edward's victories and conqueſts. His foreign wars were, in other reſpects, neither founded in juſtice, nor directed to any very ſalutary purpoſe. His attempt againſt the King of Scotland, a minor and a brother-in-law, and the revival of his grandfather's claim of ſuperiority over that kingdom, were both unreaſonable and ungenerous; and he allowed himſelf to be too ſoon ſeduced, by the glaring proſpect of French conqueſts, from the acquiſition of a point, which was practicable, and which might really, if attained, have been of laſting utility to his country and his ſucceſſors. The ſucceſs, which he met with in France, tho' chiefly owing to his eminent talents, was unexpected; and yet, from the very nature of things, not from any unforeſeen accident, was found, even during his own life-time, to have procured him no ſolid advantages.

But

Chap. XVI. 1377. But the glory of a Conqueror is ſo dazling to the vulgar, the animoſity of nations is ſo extreme, that the fruitleſs deſolation of ſo fine a part of Europe, as France, is totally diſregarded by us, and is never conſidered as a blemiſh in the character or conduct of this prince: And indeed, from the unfortunate ſtate of human nature, it will commonly happen that a ſovereign of great genius, ſuch as Edward, who uſually finds every thing eaſy in his domeſtic government, will turn himſelf towards military enterprizes, where alone he meets with oppoſition, and where he has full exerciſe for his induſtry and capacity.

EDWARD had a numerous poſterity by his Queen, Philippa of Hainault. His eldeſt ſon was the heroic Edward, commonly called the Black Prince, from the colour of his armour. This prince eſpouſed his couſin Joan, commonly called the *fair maid of Kent*, daughter and heir of his uncle, the earl of Kent, who was beheaded in the beginning of this reign. She was firſt married to Sir Thomas Holland, by whom ſhe had children. She had a ſon, Richard, by the prince of Wales, who alone ſurvived his father.

THE ſecond ſon of King Edward (for we paſs by ſuch as died in their childhood) was Lionel duke of Clarence, who was firſt married to Elizabeth de Burgh, daughter and heir of the earl of Ulſter, by whom he left only one daughter, married to Edmund Mortimer, earl of Marche. Lionel eſpouſed in ſecond marriage, Violante, the daughter of the duke of Milan *, and died in Italy ſoon after the conſummation of his nuptials, without leaving any poſterity by that princeſs. Of all the family, he reſembled moſt his father and eldeſt brother in his noble qualities.

EDWARD's third ſon was John of Gaunt, ſo called from the place of his birth: He was created duke of Lancaſter; and from him ſprung that branch, which afterwards poſſeſſed the crown. The fourth ſon of this royal family was Edmund, created earl of Cambridge by his father, and duke of York by his nephew. The fifth ſon was Thomas, who received the title of earl of Buckingham from his father, and that of duke of Gloceſter from his nephew. In order to prevent confuſion, we ſhall always diſtinguiſh theſe two princes by the titles of York and Gloceſter, even before they were advanced to them.

THERE were alſo ſeveral princeſſes born to Edward by Philippa, *viz.* Iſabella, Joan, Mary and Margaret, who eſpouſed, in the order of their names, Ingelram de Coucy earl of Bedford, Alphonſo King of Caſtile, John de Mountfort duke of Brittany, and John Haſtings earl of Pembroke. The princeſs Joan died at Bourdeaux before the conſummation of her marriage.

Miſcellaneous tranſactions in this reign.

IT is remarked by an elegant hiſtorian †, that Conquerors, tho' uſually the bane of human kind, proved often in thoſe feudal times, the moſt indulgent of ſovereigns:

* Rymer, vol. 6. p. 564.

† Dr. Robertſon's hiſtory of Scotland, book 1.

ſovereigns: They ſtood moſt in need of ſupplies from their people; and not being able to compel them by force to ſubmit to the neceſſary impoſitions, they were obliged to make them ſome compenſation, by equitable laws and popular conceſſions. This remark is, in ſome meaſure, tho' imperfectly, juſtified by the conduct of Edward III. He took no ſteps of moment without conſulting his parliament, and obtaining their approbation, which he afterwards pleaded as a reaſon for their ſupporting his meaſures *. The parliament therefore roſe into greater conſideration during his reign, and acquired a more regular authority than in any former times; and even the houſe of commons, which, during turbulent and factious periods, was naturally oppreſſed by the greater power of the crown and barons, began to appear of ſome weight in the conſtitution. In the latter years of Edward, the King's miniſters were impeached in parliament, particularly lord Latimer, who fell a ſacrifice to their authority †; and they even obliged him to baniſh his miſtreſs by their remonſtrances. Some attention was alſo paid to the elections of their members; and lawyers, in particular, who were, at that time, men of very inferior character, were totally excluded the houſe during ſeveral parliaments ‡.

ONE of the moſt popular laws, enacted by any prince, was the ſtatute, which paſſed in the twenty-fifth of this reign ‖, and which limited the caſes of high treaſon, before vague and uncertain, to three principal heads, the conſpiring the death of the King, the levying war againſt him, and the adhering to his enemies; and the judges were prohibited, if any other caſes ſhould occur, from inflicting the penalty of treaſon, without an application to parliament. The bounds of treaſon were indeed ſo much limited by this ſtatute, which ſtill remains in force without any alteration, that the lawyers were obliged to enlarge them, and to explain a conſpiracy for levying war againſt the King to be equivalent to a conſpiracy againſt his life; and this interpretation, ſeemingly forced, has, from the neceſſity of the caſe, been tacitly acquieſced in. It was alſo ordained, that a parliament ſhould be held once a year or oftner, if need be: A law which, like many others, was never obſerved, and loſt its authority by diſuſe §.

EDWARD granted above twenty parliamentary confirmations of the great charter; and theſe conceſſions are commonly appealed to as proofs of his great indulgence to the people, and his tender regard to their liberties. But the contrary preſumption is much more natural. If the maxims of Edward's reign had not been in general ſomewhat arbitrary, and if the great charter had not been frequently violated, the parliament would never have applied for theſe frequent

* Cotton's Abridg. p. 108, 120. † Cotton's Abridg. p. 122. ‡ Cotton's Abridg. p. 18. ‖ Chap. 2. § 4 Edw. III. cap. 14.

Chap. XVI. 1377. confirmations, which could add no force to a deed regularly obſerved, and which could ſerve to no other purpoſe, than to prevent the contrary precedents from turning into a rule, and acquiring authority. It was indeed the effect of the irregular government during thoſe ages, that a ſtatute, which had been enacted ſome years, inſtead of acquiring, was imagined to loſe force by time, and needed to be often renewed by recent ſtatutes of the ſame ſenſe and tenor. Hence likewiſe that general clauſe, ſo frequent in old acts of parliament, that the ſtatutes, enacted by the King's progenitors, ſhall be obſerved *; a precaution, which, if we do not conſider the circumſtances, might appear abſurd and ridiculous. The frequent confirmations in general terms of the church's privileges proceeded from the ſame cauſe.

IT is a clauſe in one of Edward's ſtatutes, *that no man, of what eſtate or condition ſoever, ſhall be put out of land or tenement, nor taken nor impriſoned, nor diſherited, nor put to death, without being brought in anſwer by due proceſs of the law* †. This privilege was ſufficiently ſecured by a clauſe of the great charter, which had received a general confirmation in the firſt chapter of the ſame ſtatute. Why then is this clauſe ſo anxiouſly, and, as we may think, ſo ſuperfluouſly repeated? Plainly, becauſe there had been ſome late infringements of it, which gave umbrage to the commons ‡.

BUT there is no article, in which the laws are more frequently repeated during this reign, almoſt in the ſame terms, than that of purveyance, which the parliament always calls an *outrageous* and *intolerable* grievance, and the ſource of *infinite* damage to the people ‖. The parliament tried to aboliſh this prerogative altogether, by prohibiting any one to take goods without the conſent of the owners §, and by changing the heinous name of *purveyors*, as they call it, into that of *buyers* ⊥: But the arbitrary conduct of Edward ſtill brought back the grievance upon them; tho' contrary both to the Great Charter, and to many ſtatutes. This diſorder was in a good meaſure derived from the ſtate of the public finances and of the kingdom; and could therefore the leſs admit of any remedy. The prince frequently wanted ready money; yet his family muſt be provided for: And he was obliged to employ force and violence for that purpoſe, and to give tallies, at what rate he pleaſed, to the owners of the goods which he laid hold of. The kingdom alſo abounded ſo little in commodities, that, had the owners been ſtrictly protected by law, they could eaſily have exacted

* 36 Edw. III. cap. 1. 37 Edw. III. cap. 1, &c. † 28 Edw. III. cap. 3.

‡ They plainly aſſert, in the 15th of this reign, that there had been ſuch inſtances, Cotton's Abridg. p. 31. They repeat the ſame in the 21ſt Year. See p. 59. ‖ 36 Edw. III. &c.

§ 14 Edw. III. cap. 19. ⊥ 36 Edw. III. cap. 2.

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any price from the King; especially in his frequent progresses, when he came to distant and poor places, where the court did not usually reside, and where a regular plan for supplying it could not easily be established.

The magnificent castle of Windsor was built by Edward III. and his method of conducting that work may serve as a specimen of the condition of the people in that age. Instead of alluring workmen by contracts and wages, he assessed every county in England to send him so many masons, tilers, and carpenters, as if he had been levying an army *.

They mistake, indeed, very much the genius of this reign, who imagine that it was not very arbitrary. All the high prerogatives of the crown were to the full exerted in it; but what was some consolation, and promised in time some relief to the people, they were always complained of by the commons: Such as the dispensing power †, the extension of the forests ‡; the erecting monopolies ‖, the first of the kind which we read of; the exacting of loans §; the stopping of justice by particular warrants ⊥; the renewal of the commissions of *trail-baton* *; the pressing of men and ships into the public service †; the levying of arbitrary and exorbitant fines ‡; the extending the authority of the privy council or star-chamber to the decision of private causes ‖; the enlarging the power of the mareschal's and other arbitrary courts §; the imprisoning members for freedom of speech in parliament ⊥; the obliging people without any rule to send recruits of men at arms, archers, and hoblers, to the army *.

But there was no act of arbitrary power more frequently repeated in this reign, than that of the imposition of taxes without consent of parliament. Tho' that assembly granted the King more supplies than ever had been obtained by any of his predecessors, his great undertakings and the necessity of his affairs obliged him still to levy more; and after his great success against France had added weight to his authority, these impositions became almost annual and perpetual. Cotton's Abridgement of the records affords numerous instances of this kind, in the first † year of his reign, in the thirteenth year ‡, in the fourteenth ‖, in the the twentieth §, in the twenty-first ⊥, in the twenty-second *, in the twenty-fifth †, in the thirty-eighth ‡, in the fiftieth ‖, and in the fifty-first §.

* Ashmole's hist. of the garter, p. 129. † Cotton's Abridg p. 148. ‡ Cotton, p. 71. ‖ Cotton's Abridg. p. 56, 61, 122. § Rymer, vol. 5. p. 491, 574. Cotton's Abridg. p. 56. ⊥ Cotton, p. 114. * Cotton, p. 67. † Cotton's Abridg. p. 47. 79. 113. ‡ Cotton's Abridg. p. 32. ‖ Cotton's Abridg. p. 74. § Ibid. ⊥ Walsing. p. 189, 190. * Tyrrel's Hist. vol. 3. p. 554. from the records. † Rymer, vol. 4. p. 363. ‡ P. 17, 18. ‖ P. 39. § P. 47. ⊥ P. 52, 53, 57, 58. * P. 69. † P. 76. ‡ P. 191. ‖ P. 138. § P. 152.

Chap. XVI. 1377. THE King openly avowed and maintained this power of levying taxes at pleasure. At one time, he replied to the remonſtrance of the commons, that the impoſitions had been exacted from great neceſſity, and had been aſſented to by the prelates, counts, barons, and *ſome* of the commons *; at another, that he would adviſe with his council †. When the parliament deſired, that a law might be enacted for the puniſhment of ſuch as levied theſe arbitrary impoſitions; he refuſed compliance ‡. In the ſubſequent year, they deſired that the King might renounce this pretended prerogative; but his anſwer was, that he would levy no taxes without neceſſity, for the defence of the realm, and where he reaſonably might uſe that authority §. This incident paſſed a very few days before his death; and theſe were, in a manner, his laſt words to his people. It would ſeem, that the famous charter or ſtatute of Edward I. *de tallagio non concedendo*, tho' never repealed, was ſuppoſed to have already loſt by age all its authority.

THESE facts can only ſhow the *practice* of the times: For as to the *right*, the continual remonſtrances of the commons may ſeem to prove that it rather was on their ſide: At leaſt, theſe remonſtrances ſerved to prevent the arbitrary practices of the court from becoming an eſtabliſhed part of the conſtitution. In ſo much a better condition were the privileges of the people even during the arbitrary reign of Edward III. than during ſome ſubſequent ones, particularly thoſe of the Tudors, where no tyranny or abuſe of power ever met with any check or oppoſition, or ſo much as a remonſtrance, from parliament.

IT is eaſy to imagine, that a prince of ſo much ſenſe and ſpirit as Edward, would be no ſlave to the court of Rome. Tho' the old tribute was paid during ſome years of his minority ‖, he afterwards withheld it; and when the Pope in 1367 threatened to cite him to the court of Rome, for default of payment, he laid the matter before his parliament. That aſſembly unanimouſly declared, that King John could not without a national conſent, ſubject his kingdom to a foreign power: And they were therefore determined to ſupport their ſovereign againſt this exorbitant pretenſion ⸸.

DURING this reign, the ſtatute of proviſors was enacted, rendering it penal to procure any preſentations to benefices from the court of Rome, and ſecuring the rights of all patrons and electors, which had been extremely encroached on by the Pope *. By a ſubſequent ſtatute, every perſon was out-lawed who carried any cauſe or appeal to the court of Rome †.

* Cotton, p. 53. He repeats the ſame anſwer in p. 60. Some of the commons were ſuch as he was pleaſed to conſult with. † Cotton, p. 57. ‡ Cotton, p. 138. § Cotton, p. 152. ‖ Rymer, vol. 4. p. 434. ⸸ Cotton. Abridg. p. 110. * 25 Edw. III. 27 Edw. III. † 27 Edw. III. 38 Edw. III.

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Chap XVI. 1377.

THE laity at this time ſeem to have been extremely prejudiced againſt the papal power, and even ſomewhat againſt their own clergy, becauſe of their connexions with the Roman pontiff. They pretended that the uſurpations of the Pope were the cauſe of all the plagues, injuries, famine, and poverty of the realm; was more deſtructive to it than all the wars; and was the cauſe why it contained not a third of the inhabitants and commodities, which it formerly poſſeſſed: That the taxes, levied by him, exceeded five times thoſe paid to the King: That every thing was venal in that ſinful city of Rome; and that even the patrons in England had thence learned to practice ſimony without remorſe or ſcruple *. At another time, they petition the King to employ no churchman in any office of ſtate †; and they even ſpeak, in plain terms, of expelling by force the papal authority, and thereby providing a remedy againſt oppreſſions, which they neither could nor would any longer endure ‡. Men who talked in this ſtyle, were not far from the reformation: But Edward did not think proper to ſecond all this zeal. Tho' he paſſed the ſtatute of proviſors, he took little care of its execution; and the parliament made continual complaints of his negligence on this head §. He was content with having reduced ſuch of the Romiſh eccleſiaſtics, as poſſeſſed revenues in England, to depend entirely upon him by means of that ſtatute.

As to the police of the kingdom during this period, it was certainly better than during times of faction, civil wars, and diſorder, to which England was ſo often expoſed: Yet were there ſeveral vices in the conſtitution, the bad conſequences of which all the power and vigilance of the King could not prevent. The barons, by their confederacies with thoſe of their own order, and by ſupporting and defending their retainers in every iniquity ‖, were the chief abettors of robbers, murderers, and ruffians of all kinds; and no law could be executed againſt theſe criminals. The nobility were brought to give their promiſe in parliament, that they would not avow, retain, or ſupport any felon or breaker of the law †; yet this engagement, which we may wonder to ſee exacted from men of their rank, was never regarded by them. The commons make continual complaints of the multitude of robberies, murders, raviſhment of women, and other diſorders, which, they ſay, were become numberleſs in every part of the kingdom, and which they always aſcribe to the protection which the criminals received from the great *. The King of Cyprus, who paid a viſit to England during this reign, was robbed and ſtript on the high-way with his whole retinue †.

* Cotton p. 74, 128, 129. † Cotton, p. 112. ‡ Cotton, p. 41. § Cotton, p. 119, 128, 129, 130, 148. ‖ 11 Edw. III. chap. 14. 4 Edw. III. chap. 2. 15 Edw. III. chap. 4. † Cotton, p. 10. * Cotton, p. 51, 62, 64, 70, 160. † Walſing. p. 179.

Chap. XVI. 1377. Edward himſelf contributed to this diſſolution of law, by his facility in granting pardons to felons from the ſollicitation of his courtiers. Laws were made to retrench this prerogative *, and remonſtrances of the commons were preſented againſt the abuſe of it †: But to no purpoſe. The gratifying a nobleman of power and intereſt continued ſtill to be of more importance than the protection of the people. The King alſo granted many franchiſes, which interrupted the courſe of juſtice and the execution of the laws ‡.

COMMERCE and induſtry were certainly at a very low ebb during this period. The bad police of the country alone affords a ſufficient reaſon. The only exports were wool, ſkins, hydes, leather, butter, tin, lead, and ſuch unmanufactured goods, of which wool was by far the moſt conſiderable. Knyghton has aſſerted, that 100,000 ſacks of wool were annually exported, and ſold at twenty pounds a ſack, money of that age. But he is widely miſtaken both in the quantity exported and the value. In 1349, the parliamennt remonſtrate, that the King, by an illegal impoſition of forty ſhillings on each ſack exported, had levied 60,000 pounds a year §: Which reduces the annual exports to 30,000 ſacks. A ſack contained twenty ſix ſtone, and each ſtone fourteen pounds ‖; and at a medium was not valued at above five pounds a ſack ⊥, that is, fourteen or fifteen pounds of our preſent money. Knyghton's computation raiſes it to ſixty pounds, which is near four times the preſent price of wool in England. According to this reduced computation, the export of wool returned about 450,000 pounds of our preſent money, inſtead of ſix millions, which is an extravagant ſum.

EDWARD endeavoured to introduce and promote the woollen manufacture by giving protection and encouragement to foreign weavers *, and by enacting a law, prohibiting every one to wear any cloth but of Engliſh make †. The parliament prohibited the exportation of woollen goods, which was not ſo well judged, eſpecially while the exportation of unwrought wool was ſo much allowed and encouraged. A like injudicious law was made againſt the exportation of manufactured iron ‡.

IN the firſt of Richard II. the parliament complains extremely of the decay of ſhipping during the preceding reign, and aſſert, that one ſea port formerly contained more veſſels than were then to be found in the whole kingdom. This ca-

* 10 Edw. III. cap. 2. 27 Edw. III. cap. 2. † Cotton, p. 75. ‡ Cotton, p. 54. § Cotton, p. 48, 69. ‖ 34 Edw. III. cap. 5. ⊥ Cotton, p. 29. * 11 Edw. III. cap. 5. Rymer, vol. 4. p. 723. Murimuth, p. 88. † 11 Edw. III. cap. 2. ‡ 28 Edw. cap. 5.

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lamity, they aſcribe to the arbitrary ſeizure of ſhips by Edward, for the ſervice of his frequent expeditions *. Chap. XVI. 1377.

THE parliament attempted the impracticable ſcheme of reducing the price of labour after the peſtilence, and alſo that of poultry †. A reaper, in the firſt week of Auguſt, was not allowed to take above two pence a day, or near ſixpence of our preſent money; in the ſecond week, a third more. A maſter carpenter was limited thro' the whole year to three pence a day, a common carpenter to two pence, money of that age ‡. It is remarkable, that in the ſame reign, the pay of a common ſoldier, an archer, was ſix pence a day; which, by the change, both in denomination and value, would be equivalent to four or five ſhillings of our preſent money §. Soldiers were then inliſted only for a very ſhort time: They lived idle all the reſt of the year, and commonly all the reſt of their lives: One ſucceſsful campaign, by pay and plunder, and the ranſom of priſoners, was ſuppoſed to be a ſmall fortune to a man; which was a great allurement to enter into the ſervice.

THE ſtaple of wool, wool-fells, leather, and lead, was fixed by act of parliament in particular towns of England ‖. Afterwards it was removed by law to Calais: But Edward, who commonly deemed his prerogative ſuperior to law, paid little regard to theſe ſtatutes; and when the parliament remonſtrated with him on account of ſuch acts of power, he told them plainly, that he would proceed in that matter as he thought proper ⊥. It is not eaſy to perceive any advantages, which aroſe from this great anxiety of fixing a ſtaple; unleſs perhaps it invited foreigners to a market, when they knew beforehand, that they would meet there with great choice of any particular ſpecies of commodity. This policy of inviting foreigners to Calais was carried ſo far, that all Engliſh merchants were prohibited by law from exporting any Engliſh goods from the ſtaple; which was in a manner the total abandoning all navigation, except that to Calais *. A contrivance ſeemingly very abſurd and extraordinary.

LUXURY was complained of in that age, as well as in others of more refinement; and attempts were made by parliament to reſtrain it, particularly on the head of apparel, where ſurely it is the moſt obviouſly innocent and inoffenſive. No man under an hundred a year was allowed to wear gold, ſilver, or ſilk in his cloaths: Servants alſo were prohibited from eating fleſh meat, or fiſh, above once

* Cotton, p. 155, 164. † 37 Edw. III. cap. 3. ‡ 25 Edw. III. cap. 1, 3.

§ Dugdale's baronage, vol. 1. p. 784. Brady's hiſt. vol. 2. App. N°. 92. The pay of a man at arms was quadruple. We may therefore conclude, that the numerous armies, mentioned by hiſtorians in thoſe times conſiſted chiefly of ragamuffins, who followed the camp, and lived by plunder. Edward's army before Calais conſiſted of 31094 men; yet its pay for ſixteen months was only 127201 pounds. Brady, ibid. ‖ 27 Edw. III. ⊥ Cotton, p. 117. * 27 Edw. III. cap. 7.

Chap. XVI. 1377. a day *. It was easy to foresee that such ridiculous laws must prove ineffectual, and could never be executed.

The use of the French language, in pleadings and public deeds, was abolished †. It may appear strange, that the nation should so long have worn this badge of conquest. But the King and nobility seem never to have become thoroughly English, till Edward's wars with France gave them an antipathy to that nation. Yet still, it was long before the use of the English tongue came into fashion. The first English paper which we meet with in Rymer is in the year 1386, during the reign of Richard II. ‡ There are Spanish papers in that collection more antient §: And the use of the Latin and French still continued.

In 1364, the commons petitioned, that in consideration of the preceding pestilence, such persons as possessed manors holding of the King in chief, and had let liferent leases without obtaining licences, might continue to exercise the same power, till the country was become more populous ‖. The commons were sensible, that this security of possession was a good means for rendering the kingdom prosperous and flourishing; yet durst not apply, all at once, for a greater relaxation of their chains.

There is not a reign among those of the antient English monarchs, which deserves more to be studied than that of Edward III. nor one where the domestic transactions will better discover the true genius of that kind of mixed government, which was then established in England. The struggles, with regard to the validity and authority of the great charter, were now over: The King was acknowledged to lie under some limitations: Edward himself was a prince of great capacity, not governed by favourites, not led astray by any unruly passion; sensible that nothing could be more essential to his interests than to keep on good terms with his people: Yet on the whole it appears, that the government, at best, was only a barbarous monarchy, not regulated by any fixed maxims, nor bounded by any certain undisputed rights, which were in practice regularly observed. The King conducted himself by one set of principles; the barons by another; the commons by a third; the clergy by a fourth. All these systems of government were contrary and incompatible: Each of them prevailed according as incidents were favourable to it: A great prince rendered the monarchical power predominant: The weakness of a King gave reins to the aristocracy: A superstitious age saw the clergy triumphant: The people, for whom alone government was instituted, and who alone deserve consideration, were commonly the weakest of the

* 37 Edw. III. cap. 8, 9, 10, &c. † 36 Edward III. cap. 15. ‡ Rymer, vol. 7. p. 526. This paper, by the stile, seems to have been drawn by the Scots, and was signed only by the wardens of the marches. § Rymer, vol. 6. p. 554. ‖ Cotton, p. 97.

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whole. But the commons, little obnoxious to any other order; tho' they ſunk under the violence of tempeſts, ſilently reared their head in more peaceable times; and while the ſtorm was brewing, were courted by all ſides, and thus received ſtill ſome acceſſion to their privileges, or, at worſt, ſome confirmation of them. Chap. XIV. 1376.

CHAP. XVII.

RICHARD II.

Government during the minority——Inſurrection of the common people——Diſcontent of the barons——Civil commotions——Expulſion or execution of the King's miniſters——Cabals of the duke of Gloceſter——Murder of the duke of Gloceſter——Baniſhment of Henry duke of Hereford——Return of Henry——General inſurrection——Depoſition of the King——His murder——His character——Miſcellaneous tranſactions during this reign.

THE parliament, which was ſummoned ſoon after the King's acceſſion, was both elected and aſſembled in tranquility; and the great change, from a ſovereign of conſummate wiſdom and experience, to a boy of eleven years of age, was not immediately perceived by the people. The habits of order and obedience, which the barons had been taught during the long reign of Edward, ſtill influenced them; and the authority of the King's three uncles, the dukes of Lancaſter, York, and Gloceſter, ſufficed to repreſs, for a time, the turbulent ſpirit, to which that order, in a weak reign, was ſo often ſubject. The dangerous ambition too of theſe princes themſelves was checked, by the plain and undeniable title of Richard, by the declaration of it made by his grandfather in parliament, and by the affectionate regard, which the people bore to the memory of his father, and which was naturally transferred to the young prince upon the throne. The different characters of theſe three dukes, rendered them alſo a counterpoize to each other; and it was natural to expect, that any dangerous deſigns, which might be formed by one brother, would meet with oppoſition from the others. Lancaſter, whoſe age and experience and authority under the late King, gave him the aſcendant among them; tho' his integrity ſeemed not proof againſt great Chap. XVII. 1377. Government during the minority.

Chap. XVII. 1377. temptations, was neither of an enterprizing ſpirit, nor of a popular and engaging temper. York was indolent, unactive, and of a ſlender capacity. Gloceſter was turbulent, bold, and popular; but being the youngeſt of the family, was reſtrained by the power and authority of his elder brothers. There appeared, therefore, no circumſtance in the domeſtic ſituation of England, which might endanger the public peace, or give any immediate apprehenſions to the lovers of their country.

But as Edward, tho' he had fixed the ſucceſſion to the crown, had taken no care to eſtabliſh a plan of government during the minority of his grandſon; it behoved the parliament to ſupply this defect: And the houſe of commons diſtinguiſhed themſelves, by taking the lead on that occaſion. This houſe, which had been riſing to conſideration during the whole courſe of the late reign, naturally received an acceſſion of power during the minority; and as it was now becoming a ſcene of buſineſs, the commons choſe for the firſt time a ſpeaker, who might preſerve order in their debates, and maintain thoſe forms, which are requiſite in all numerous aſſemblies. Peter de la Mare was the man pitched on; the ſame perſon who had been impriſoned and detained in cuſtody by the late King for his freedom of ſpeech in attacking the miſtreſs and the miniſters of that prince. But tho' this election diſcovered a ſpirit of liberty in the commons, and was followed by farther attacks both on theſe miniſters, and on Alice Pierce*, they were ſtill too much ſenſible of their great inferiority, to aſſume at firſt any immediate ſhare in the adminiſtration of government, or the care of the King's perſon. They were contented to apply by petition to the lords for that purpoſe, and deſire them both to appoint a council of nine, who might direct the public buſineſs, and to chooſe men of a virtuous life and converſation, who might inſpect the conduct and education of the young prince. The lords complied with the firſt part of this requeſt, and elected the biſhops of London, Carliſle, and Saliſbury, the earls of Marche and Stafford, ſir Richard de Stafford, ſir Henry le Scrope, ſir John Devereux, and ſir Hugh Segrave, to whom they gave authority for a year to conduct the ordinary courſe of buſineſs †. But as to the regulation of the King's houſehold, they declined interpoſing in an office, which, they ſaid, was both ſo invidious in itſelf, and might prove ſo diſagreeable to his majeſty.

The commons, as they acquired more courage, ventured to proceed a ſtep farther in their applications. They preſented a petition, in which they prayed the King to check the prevailing cuſtom among the barons, of forming illegal confe-

* Walſing. p. 150. † Rymer, vol. 7. p. 161.

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deracies together, and ſupporting each other, as well as men of inferior rank, in the violations of law and juſtice. They received from the throne a general and an obliging anſwer to this petition: But another part of their application, that all the great officers ſhould, during the King's minority, be appointed by parliament, which ſeemed to require the concurrence of the commons, as well as that of the upper houſe, in the nomination, was not complied with: The lords alone aſſumed the power of appointing theſe officers: The commons tacitly acquieſced in their choice; and thought, that, for the preſent, they had proceeded a ſufficient length, if they but advanced their pretenſions, tho' rejected, of interpoſing in theſe more important matters of ſtate. Chap. XVII. 1377.

On this footing then the government ſtood. The adminiſtration was conducted entirely in the King's name: No regency was expreſsly appointed: The council and the great officers, named by the peers, did their duty, each in his ſeparate department: And the whole ſyſtem was for ſome years kept together, by the ſecret authority of the King's uncles, eſpecially of the duke of Lancaſter, who was in reality the regent.

The parliament was diſſolved, after the commons had repreſented the neceſſity of their being re-aſſembled once every year, as appointed by law; and after having elected two citizens as their treaſurers, to receive and diſburſe the produce of two fifteens and tenths, which they voted to the crown. In the other parliaments called during the minority, the commons ſtill diſcover a ſtrong ſpirit of freedom and ſenſe of their own authority, which, without breeding any diſturbance, tended to ſecure their independance and that of the people *.

Edward had left his grandſon involved in many dangerous wars. The pretenſions of the duke of Lancaſter to the crown of Caſtile, made that kingdom

* In the fifth year of the King, *the commons complained of the government about the King's perſon, his court, the exceſſive number of his ſervants, of the abuſes in the Chancery, King's Bench, Common Pleas, Exchequer, and of grievous oppreſſions in the country, by the great multitudes of maintainers of quarrels,* (men linked in confederacies together) *who behaved themſelves like kings in the country, ſo as there was very little law or right, and of other things which they ſaid were the cauſe of the late commotions under Wat Tyler.* Parl. Hiſt. vol. 1. p. 365. This irregular government, which no king and no houſe of commons had been able to remedy, was the ſource of the licentiouſneſs of the great, and turbulency of the people, as well as tyranny of the princes. If ſubjects would enjoy liberty, and Kings ſecurity, the laws muſt be executed.

In the ninth of this reign, the commons alſo diſcovered an accuracy and a jealouſy of liberty, which we ſhould little expect in theſe rude times. "It was agreed by parliament," ſays Cotton, p. 309, "that the ſubſidy of wools, wool-fells, and ſkins, granted to the King until the time of Mid-ſummer "then enſuing, ſhould ceaſe from the ſame time unto the feaſt of St. Peter *ad vincula*; for that thereby "the King ſhould be interrupted for claiming ſuch grant as due." See alſo Cotton, p. 198.

Chap. XVII. 1377. ſtill perſevere in hoſtilities againſt England. Scotland, whoſe throne was now filled by Robert Stewart, nephew to David Bruce, and the firſt prince of that family, maintained ſuch cloſe connexions with France, that war with the one crown almoſt neceſſarily produced hoſtilities with the other. The French monarch, whoſe prudent conduct had acquired him the ſirname of *wiſe*, as he had already baffled all the experience and valour of the two Edwards, was likely to prove a dangerous enemy to a minor King; but his genius, which was not naturally enterprizing, led him not, at preſent, to give any great diſturbance to his neighbours; and he laboured, beſides, under many difficulties at home, which it was neceſſary for him to ſurmount, before he could think of making conqueſts in an enemy's country. England was maſter of Calais, Bourdeaux, and Bayonne; had lately acquired poſſeſſion of Cherbourg, from the ceſſion of the King of Navarre, and of Breſt from that of the duke of Brittany *; and having thus acceſs into France from every quarter, was able, even in its preſent ſituation, to give annoyance to his government. Before Charles could remove them from theſe important poſts, he died in the flower of his age, and left his kingdom to a minor ſon, who bore the name of Charles VI.

1378. MEAN-WHILE the war with France was carried on in a manner ſomewhat languid, and produced no enterprize of great luſtre or renown. Sir Hugh Calverley, who had formerly headed a company of banditti in France, (for he, as well as ſir Robert Knolles, and many of the moſt renowned commanders of Edward, had once followed that diſhonourable profeſſion,) was governor of Calais; and making an inroad into Picardy, with a detachment of the garriſon, he ſet fire to Boulogne †. The duke of Lancaſter conducted an army into Brittany, but returned without being able to perform any memorable action. In a ſubſequent year, the duke of Gloceſter marched out of Calais with a body of 2000 cavalry, and 8000 infantry; and ſcrupled not, with this ſmall army, to enter into the heart of France, and to continue his ravages, thro' Picardy, Champaigne, the Brie, the Beauſſe, the Gatinois, the Orleanois, till he reached his allies in the province of Brittany ‡. The duke of Burgundy, at the head of a more conſiderable army, came within ſight of him; but the French were ſo over-awed by the former ſucceſſes of the Engliſh, that no ſuperiority of numbers could tempt them to venture a pitched battle with the troops of that nation. As the duke of Brittany, ſoon after the arrival of theſe ſuccours, formed an accommodation with the court of France; this enterprize alſo proved in the iſſue unſucceſsful, and made no durable impreſſion upon the enemy.

1380.

* Rymer, vol. 7. p. 190. † Walſing. p. 209. ‡ Froiſſart, liv. 2. chap. 50, 51. Walſin. p. 239.

THE

Chap. XVII. 1380.

THE expences of theſe armaments, and the uſual want of oeconomy attending a minority, much exhauſted the Engliſh treaſury, and obliged the parliament, in order to ſupply it, to impoſe a new and extraordinary tax of three groats on every perſon, male and female, above fifteen years of age; and they ordained that, in levying that tax, the opulent ſhould relieve the poor by an equitable compenſation. This impoſition excited a mutiny, which was very ſingular in its circumſtances. All hiſtory abounds with examples, where the great tyrannize over the meaner ſort: But here the loweſt populace roſe againſt their rulers, exerciſed the moſt cruel ravages upon them, and took vengeance for all their former oppreſſions.

1381.

THE faint dawning of the arts and of good government in that age, had excited the minds of the populace, in different ſtates of Europe, to wiſh for a better condition, and to murmur againſt thoſe chains, which the laws, enacted by the haughty nobility and gentry, had ſo long impoſed upon them. The commotions of the people in Flanders, the mutiny of the peaſants in France, were the natural effects of this growing ſpirit of independance; and the report of theſe events, being brought into England, where perſonal ſlavery was more general than in any other country of Europe *, had prepared the minds of the multitude for an inſurrection. One John Ball alſo, a ſeditious preacher, who affected low popularity, went about the country, and inculcated on his audience the principles of the firſt origin of mankind from one common ſtock, their equal right to liberty and to all the goods of nature, the tyranny of artificial diſtinctions, and the abuſes which had ariſen from the degradation of the more conſiderable part of the ſpecies, and the aggrandizement of a few inſolent rulers †. Theſe doctrines, ſo agreeable to the populace and ſo conformable to the ideas of primitive equality, which are engraven in the hearts of all men, were greedily received by the multitude; and had ſcattered the ſparks of that ſedition, which the preſent tax raiſed into a conflagration.

Inſurrection of the common people.

THE impoſition of three groats a head had been farmed out to tax-gatherers in each county, who levied the money with rigor on the people; and the clauſe, of making the rich eaſe their poorer neighbours of ſome ſhare of the burden, being ſo vague and undetermined, had doubtleſs occaſioned many partialities, and made the people more ſenſible of the unequal lot, which fortune had aſſigned them in the diſtribution of her favours. The firſt diſorder aroſe from a black-ſmith in a village of Eſſex. The tax-gatherers came to this man's ſhop, while he was at work, and demanded payment for his daughter, whom he aſſerted to be

* Froiſſart, liv. 2. chap. 74. † Froiſſart, liv. 2. chap. 74. Walſingham, p. 275.

below

Chap. XVII. 1381.

below the age assigned by the statute. One of these fellows offered to produce a very indecent proof to the contrary, and at the same time laid hold of the maid: Which the father resenting, immediately knocked out the ruffian's brains with his hammer. The bystanders applauded the action, and exclaimed, that it was full time for the people to take vengeance of their tyrants, and to vindicate their native liberty. They immediately flew to arms: The whole neighbourhood joined in the sedition: The flame spread in an instant over the whole county: It soon propagated itself into that of Kent, of Hertford, Surrey, Sussex, Suffolk, Norfolk, Cambridge, and Lincoln. Before the government had the least warning of the danger, the disorder had risen beyond controul or opposition: The populace had shaken off all regard to their former masters: And being headed by the most audacious and criminal of their associates, who assumed the feigned names of Wat Tyler, Jack Straw, Hob Carter, and Tom Millar, by which they were fond of denoting their mean origin, they committed every where the most outrageous violences on such of the gentry or nobility as had the misfortune to fall into their hands.

12th June.

The insurgents, amounting to an hundred thousand men, assembled on Blackheath, under their leaders, Tyler and Straw; and as the princess of Wales, the King's mother, returning from a pilgrimage to Canterbury, passed thro' the midst of them, they attacked her company, and some of the most insolent among them, to show their purpose of levelling all mankind, forced kisses from her; but they allowed her to continue her journey, without attempting any farther injury *. They sent a message to the King, who had taken shelter in the Tower; and desired a conference with him. Richard sailed down the river in his barge; but on approaching the shore, he saw such symptoms of tumult and insolence, that he put back and returned to that fortress †. The mutinous peasants, mean while, favoured by the city rabble, had broke into London; had burnt the duke of Lancaster's palace of the Savoy; cut off the heads of all the gentlemen whom they laid hold of; expressed a particular animosity against the lawyers and attornies; and pillaged the warehouses of the rich merchants ‡. A great body of them quartered themselves at Mile-end; and the King, finding no defence in the Tower, which was weakly garisoned, and ill supplied with provisions, was obliged to go out to them, and ask their demands. They required a general pardon, the abolition of slavery, freedom of commerce in market-towns without tolls or imposts, and a fixed rent on lands instead of the services due by villenage. These requests, which, tho' extremely reasonable in themselves, the nation was

* Froissart, liv. 2. chap. 74. † Froissart, liv. 2. chap. 75.
‡ Froissart, liv. 2. chap. 76. Walsingham, p. 248, 249.

not sufficiently prepared to receive, and which it was dangerous to have extorted by violence, were however complied with; charters to that purpose were granted them; and this body immediately dispersed and returned to their several homes *.

During this transaction, another body of the rebels had broke into the Tower; had murdered Simon Sudbury, the primate, and chancellor, with Sir Robert Hales, the treasurer, and some other persons of distinction; and continued their ravages in the city †. The King passing along Smithfield, very slenderly guarded, met with Wat Tyler, at the head of these rioters, and entered into a conference with him. Tyler, having ordered his companions to retire till he should give them a signal, after which they were to murder all the company except the King himself, whom they were to detain prisoner, feared not to come into the midst of the royal retinue. He there behaved himself in such a manner, that Walworth, the mayor of London, not able to bear his insolence, drew his sword, and struck him so violent a blow as brought him to the ground, where he was instantly dispatched by others of the King's train. The mutineers seeing their leader fall, prepared themselves for revenge; and this whole company with the King himself, had undoubtedly perished on the spot, had it not been for an extraordinary presence of mind which Richard discovered on this occasion. He ordered his company to stop; he advanced alone towards the enraged multitude; and accosting them with an affable and intrepid countenance, he asked them, "What is the meaning of this disorder, my good people? Are you angry that "you have lost your leader? I am your King: I will be your leader." The populace, over-awed by his presence, implicitly followed him: He led them out into the fields, to prevent any disorder which might have arisen by their continuing in the city: Being there joined by Sir Robert Knolles and a body of well armed veteran soldiers, who had been secretly drawn together, he strictly prohibited that officer from falling on the rioters, and committing an undistinguished slaughter upon them; and he peaceably dismissed them with the same charters, which had been granted to their companions ‡. Soon after, the nobility and gentry, hearing of the King's danger, in which they were all involved, flocked to London with their adherents and retainers; and Richard took the field at the head of an army 40,000 strong §. It then behoved all the other rebels to submit: The charters of enfranchisement and pardon were revoked by parliament; the low people were reduced to the same slavish condition as before, and several of the ringleaders were severely punished for the late disorders. It was pretended, that the intentions of the insurgents had been to seize the King's person, to carry

* Froissart, lib. 2. chap. 77. † Walsingham, p. 250, 251. ‡ Froissart, vol. 2. chap. 77. Walsingham, p. 253. Knyghton, p. 2637. § Walsingham, p. 267.

him

Chap. XVII. 1381. him thro' England at their head, to murder all the nobility, gentry, and lawyers, and even all the biſhops and prieſts, except the mendicant friars; to diſpatch afterwards the King himſelf; and having thus reduced all the people to a level, to order the kingdom at their pleaſure*. It is not impoſſible, that many of them, in the delirium of their firſt ſucceſs, might have formed ſuch projects: But of all the evils attending human ſociety, the inſurrections of the populace, when not raiſed and ſupported by perſons of higher quality, is the leaſt to be dreaded: The miſchiefs, conſequent on an abolition of all rank and diſtinction, become ſo great, that they are immediately felt, and ſoon bring back affairs to their former order and arrangement.

A youth of ſixteen (which was at this time the King's age) that had diſcovered ſo much courage, preſence of mind, and addreſs, and had ſo dextrouſly eluded the violence of this tumult, gave great hopes to the nation; and it was natural to expect, that he would, in the courſe of his life, equal all the glories, which had ſo uniformly attended his father and his grandfather, in all their undertak-
1385. ings. But in proportion as Richard advanced in years, theſe hopes were blaſted; and his want of capacity, at leaſt of ſolid judgment, appeared in every enterprize, which he attempted. The Scots, ſenſible of their own deficiency in cavalry, had applied to the regency of Charles VI. and John de Vienne, admiral of France, had been ſent over with a body of 1500 men at arms, to ſupport them in their incurſions againſt the Engliſh. The danger was now deemed by the King's uncles ſomewhat ſerious; and a great army of 60,000 men was levied and conducted againſt Scotland, with Richard himſelf at the head of it. The Scots pretended not to make reſiſtance to ſo great a force: They abandoned without ſcruple their country to be pillaged and deſtroyed by the enemy: And when de Vienne expreſſed his ſurprize at this plan of operations, they told him, that all their cattle was driven into the foreſts and faſtneſſes; that their houſes and other goods were of no value; and that they well knew how to compenſate themſelves for any loſſes, which they might ſuſtain in that reſpect, by making an invaſion on the Engliſh. Accordingly, when Richard entered Scotland by Berwic and the eaſt coaſt, the Scots and French, to the number of 30,000 men, paſſed the borders of England by the weſt, and carrying on their ravages thro Cumberland, Weſtmoreland, and Lancaſhire, collected a rich booty, and then returned in tranquillity to their own country. Richard mean while advanced towards Edinburgh, and deſtroyed in his way all the towns and villages on each ſide of him: He reduced that city to aſhes: He treated in the ſame manner Perth, Dundee, and other places in the Low Countries; but when he was ad-

* Walſingham, p. 265.

vised to march towards the west coast, to await there the return of the enemy, and to take revenge on them for their devastations, his impatience to be in England, and enjoy his usual pleasures and amusements, was more prevalent; and he carried back his army, without effecting any thing by all these mighty preparations. The Scots, soon after, finding the solid bodies of French cavalry very useless in that desultory kind of war, to which they confined themselves, treated their allies so ill, that the French returned home; very much disgusted with the country, and the manners of its inhabitants *. The English, tho' they regretted the indolence and dissolute manners of their King, saw themselves for the future secured against any dangerous invasion from that quarter. Chap. XVII. 1385.

But it was so material an interest of the French court to wrest the sea port towns from the hands of their enemy, that they resolved to attempt it by some other expedient, and found no means so likely as by an invasion of England itself. They collected an immense fleet and army at Sluise; for the Flemings were now in alliance with them: All the nobility of France were engaged in this enterprize: The English were kept in alarm: Great preparations were made for the reception of the invaders: And tho' the dispersion of the French ships by a storm, and the taking of many of them by the English, before the embarkation of the troops, freed the kingdom from the present danger, they were fully sensible, that this perilous situation might every moment return upon them †. 1386.

There were two circumstances chiefly, which engaged the French at this time to think of such attempts. The one was the absence of the duke of Lancaster, who had carried into Spain all the flower of the English military force, in prosecution of his vain claim to the crown of Castile; an enterprize, in which, after some promising success, he was finally disappointed: The other was, the violent dissensions and disorders, which had taken place in the English government.

The subjection, in which Richard was held by his uncles, particularly by the duke of Gloceſter, a prince of enterprize and genius, tho' it was not unsuitable to his years and slender capacity, was extremely disagreeable to his violent temper; and he began to rebel against the yoke imposed upon him. Robert de Vere, earl of Oxford, a young man of a noble family, of an agreeable figure, but of dissolute manners, had acquired an entire ascendant over him; and ruled him with the most absolute authority. The King knew so little bounds to his affection, that he first created his favourite marquis of Dublin, a title before unknown in England, and then duke of Ireland; and transferred to him by patent, which

* Froissart, liv. 2. chap. 149, 150, &c. liv. 3. chap. 52. Walsingham, p. 316, 317.

† Froissart, liv. 3. chap. 41, 53. Walsingham, p. 322, 323.

Chap. XVII. 1386.

was confirmed in parliament, the entire ſovereignty for life of that iſland *. He gave him in marriage his couſin german, the daughter of Ingelram de Couci, earl of Bedford; but ſoon after permitted him to repudiate that lady, tho' of an unexceptionable character, and to marry a foreigner, a Bohemian, with whom he had become enamoured †. Theſe public declarations of attachment turned the whole court towards the favourite: All graces paſſed thro' his hands: Acceſs to the King could only be obtained thro' his mediation: And Richard ſeemed to take no pleaſure in royal authority, but ſo far as it enabled him to load with favours and titles and dignities this object of his affections.

Diſcontent of the barons.

THE jealouſy of power immediately produced an animoſity between the minion and his creatures on the one hand, and the princes of the blood and chief nobility on the other; and the uſual complaints againſt the inſolence of favourites were loudly echoed and greedily received, in every part of the kingdom. Mowbray, earl of Nottingham, the mareſchal, Fitz-Alan earl of Arundel, Piercy earl of Northumberland, Montacute earl of Saliſbury, Beauchamp earl of Warwic, were all connected with each other, and with the princes, by friendſhip or alliances, and ſtill more by their antipathy to thoſe who had eclipſed them in the King's favour and confidence. No longer kept in awe by the perſonal character of the prince, they ſcorned to ſubmit to his miniſters; and the methods, which they took to redreſs the grievance complained of, well ſuited the violence of that age, and the deſperate extremities, to which every oppoſition was ſure to be inſtantly carried.

MICHAEL DE LA POLE, the preſent chancellor, and lately created earl of Suffolk, was the ſon of an eminent merchant; but had riſen by his abilities and valour during the wars of Edward III. had acquired the friendſhip of that monarch, and was eſteemed the perſon of greateſt experience and capacity among thoſe who were attached to the duke of Ireland and the King's ſecret council. The duke of Gloceſter, who had the houſe of commons at his devotion, impelled them to exerciſe that power which they ſeem firſt to have aſſumed againſt lord Latimer during the declining years of the late King; and an impeachment againſt the chancellor was carried up by them to the houſe of peers, which was no leſs at his devotion. The King foreſaw the tempeſt preparing againſt him and his miniſters. After attempting in vain to rouſe the Londoners to his defence, he withdrew from parliament, and retired with his court to Eltham. The parliament ſent a deputation, inviting him to return, and threatening, that, if he continued to abſent himſelf, they would immediately diſſolve, and leave the nation,

* Cotton, p. 310, 311. Cox's hiſt. of Ireland, p. 129. Walſingham, p. 324.

† Walſingham, p. 328.

tho' at that time in imminent danger of a French invaſion, without any ſupport or ſupply for its defence. At the ſame time, a member was encouraged to call for the record, containing the parliamentary depoſition of Edward II.; a plain intimation of the fate, which Richard, if he continued refractory, had reaſon to expect from them. The King, finding himſelf unable to reſiſt, was contented to ſtipulate, that, except finiſhing the preſent impeachment againſt Suffolk, no attack ſhould be made againſt any other of his miniſters; and on that condition, he returned to the parliament *. Chap XVII. 1386.

NOTHING can prove more fully the innocence of Suffolk, than the frivolouſneſs of the articles, which his enemies, in the preſent plenitude of their power, thought proper to object againſt him †. It was alleged, that being chancellor, and obliged by his oath to conſult the King's profit, he had purchaſed lands of the crown below their true value; that he had exchanged with the King a perpetual annuity of 400 marks a year, which he enjoyed from his father, and which was aſſigned upon the cuſtoms of the port of Hull, for lands of an equal income; that having obtained for his ſon the priory of St. Anthony, which was formerly poſſeſſed by a Frenchman, an enemy and a ſchiſmatic, and a new prior being at the ſame time named by the Pope, he had refuſed to admit this perſon, till he made a compoſition with his ſon, and agreed to pay him an hundred pounds a year from the benefice; that he had purchaſed, from one Tydeman of Limborch, an old and forfeited annuity of fifty pounds a year upon the crown, and had engaged the King to admit that bad debt upon his revenues; and that, when created earl of Suffolk, he had obtained a grant of 500 pounds a year, to ſupport the dignity of that title ‡. Even the proof of theſe articles, frivolous as they

* Knyghton, p. 2715, &c. The ſame author, p. 2680, tells us, that the King, in return to the meſſage, ſaid, that he would not for their deſire remove the meaneſt ſcullion from his kitchen. This author alſo tells us, that the King ſaid to the commiſſioners, when they harangued him, that he ſaw his ſubjects were rebellious, and his beſt way would be to call in the King of France to his aid. But it is plain, that all theſe ſpeeches were either intended by Knyghton merely as an ornament to his hiſtory, or are falſe. For (1) when the five lords accuſe the King's miniſters in the next parliament, and impute to them every raſh action of the King, they ſpeak nothing of theſe replies which are ſo obnoxious, were ſo recent, and are pretended to have been ſo public. (2) The King, ſo far from having any connexions at that time with France, was threatened with a dangerous invaſion from that kingdom. This ſtory ſeems to have been taken from the reproaches afterwards thrown out againſt him, and to have been transferred by the hiſtorian to this time, to which they cannot be applied.

† Cotton; p. 315. Knyghton, p. 2683.

‡ It is probable that the earl of Suffolk was not rich, nor able to ſupport the dignity without the bounty of the crown: For his father Michael de la Pole, tho' a great merchant, had been ruined by lending money to the late King. See Cotton, p. 194. We may remark that the dukes of Gloceſter and York, tho' vaſtly rich, received at the ſame time each of them a thouſand pounds a year, to ſupport their dignity. Rymer, vol. 7. p. 481. Cotton, p. 310.

Chap. XVII. 1386. are, was found very defective upon the trial: It appeared, that Suffolk had made no purchaſes of the crown while he was chancellor, and that all his bargains of that kind were made before he was advanced to that dignity *. It is almoſt needleſs to add, that he was condemned, notwithſtanding his defence; and that he was deprived of his office.

GLOCESTER and his aſſociates obſerved their ſtipulation with the King, and attacked no more of his miniſters: But they immediately attacked himſelf and his royal dignity, and framed a commiſſion after the model of thoſe, which had been attempted almoſt in every reign ſince that of Richard I. and which had always been attended with the moſt extreme confuſion †. By this commiſſion a council of fourteen perſons were appointed, all of Gloceſter's faction, except Nevil, archbiſhop of York: The ſovereign power was transferred to theſe men for a twelvemonth: The King, who had now reached the twenty firſt year of his age, was in reality dethroned: The ariſtocracy was rendered ſupreme: And tho' the term of the commiſſion was limited to a twelvemonth, it was eaſy to foreſee, that the intentions of the party were to render it perpetual, and that power would with great difficulty be wreſted from thoſe graſping hands, to which it was once committed. Richard, however, was obliged to ſubmit: He ſigned the commiſſion; he took an oath never to infringe it; and tho' at the end of the ſeſſion, he *publickly* entered a proteſt, that the prerogatives of his crown, notwithſtanding his late conceſſion, ſhould ſtill be deemed entire and unimpaired ‡, the new commiſſioners, without regarding it, proceeded to the exerciſe of their authority.

1387. Civil commotions. THE King, thus diſpoſſeſt of royal power, was ſoon ſenſible of the contempt into which he was fallen. His favourites and miniſters, who were as yet allowed to remain about his perſon, failed not to aggravate the injury, which, without any demerit on his part, had been offered to him. And his eager temper was of itſelf ſufficiently inclined to ſeek the means both of recovering his authority and of revenging himſelf on thoſe who had invaded it. As the houſe of commons appeared now of ſome weight in the conſtitution, he tried ſecretly ſome expedients for procuring a favourable election: He ſounded ſome of the ſheriffs, who being at that time both the returning officers, and magiſtrates of great power in the counties, would naturally have conſiderable influence in elections: But as moſt of them had been appointed by his uncles, either during his minority, or during the courſe of the preſent commiſſion, he found them in general averſe to his enterprize. The ſentiments and inclinations of the judges were more favour-

* Cotton, p. 315. † Knyghton, p. 2686. Statutes at large, 10 Rich. II. chap. 1.
‡ Cotton, p. 318.

able

able to him. He met at Nottingham ſir Robert Treſilian, chief juſtice of the King's Bench, ſir Robert Belknappe, chief juſtice of the Common Pleas, ſir John Cary, chief baron of the Exchequer, Holt, Fulthorpe, and Bourg, inferior juſtices, and Lokton, ſerjeant at law; and he propoſed to them ſome queries, which theſe lawyers, either from the influence of his authority or of reaſon, made no ſcruple of anſwering in the way he deſired. They declared, that the late commiſſion was derogatory to the royalty and prerogative of the King; that thoſe who procured it, or adviſed the King to conſent to it, were puniſhable with death; that thoſe who neceſſitated and compelled him were guilty of treaſon; that thoſe were equally criminal who ſhould perſevere in maintaining it; that the King has the right of diſſolving parliaments when he pleaſes; that the parliament, while it ſits, muſt proceed firſt upon the King's buſineſs; and that that aſſembly cannot without the King's conſent impeach any of his miniſters and judges *. Even according to our preſent ſtrict maxims with regard to law and the royal prerogative, all theſe determinations, except the two laſt, were entirely juſtifiable: And as the great privileges of the commons, particularly that of impeachment, were hitherto very new, and ſupported by few precedents, there want not reaſons of apology for theſe opinions of the judges. They ſigned, therefore, their anſwer to the King's queries before the archbiſhops of York and Dublin, the biſhops of Durham, Chicheſter, and Bangor, the duke of Ireland, the earl of Suffolk, and two other counſellors of inferior quality. Chap. XVII. 1387.

THE duke of Gloceſter, and his adherents, ſoon got intelligence of this ſecret conſultation; and were naturally much alarmed at it. They ſaw the King's intention, not only of recovering his authority, but of puniſhing them for invading it; and they determined to prevent the execution of his purpoſe. As ſoon as he came to London, which, they knew, was well diſpoſed to their party, they ſecretly aſſembled their forces, and appeared in arms at Haringay-park, near Highgate, with a power, which Richard and his miniſters were not able to reſiſt. They ſent him a meſſage by the archbiſhop of Canterbury, and the lords Lovel, Cobham, and Devereux, and demanded, that the perſons who had ſeduced him by their pernicious council, and were traitors both to him and to the kingdom, ſhould be delivered to them. A few days after, they appeared in his preſence, armed and attended with armed followers; and they accuſed by name the archbiſhop of York, the duke of Ireland, the earl of Suffolk, ſir Robert Treſilian, and ſir Nicholas Brembre, as publick and dangerous enemies to the ſtate. They threw down their gauntlets before the King, and fiercely offered to maintain

* Knyghton, p. 2694. Ypod Neuſt. p. 541.

Chap XVII. 1387. the truth of their charge by duel. The perſons accuſed, and all the other obnoxious miniſters, had withdrawn or concealed themſelves.

THE duke of Ireland fled to Cheſhire, and levied ſome forces, with which he advanced to relieve the King from the violence of the nobles. Gloceſter encountered him in Oxfordſhire with much ſuperior forces; routed him, diſperſed his followers, and obliged him to fly into the Low-Countries, where he died in exile a few years after. The lords then appeared at London with an army of 40,000 men; and having obliged the King to ſummon a parliament, which was entirely at their devotion, they had full power, by obſerving a few legal forms, to take vengeance on all their enemies. Five great peers, men whoſe combined power was able at any time to ſhake the throne, Thomas duke of Gloceſter, the King's uncle; Henry earl of Derby, ſon of the duke of Lancaſter; Richard earl of Arundel and Surrey; Thomas earl of Warwic, and Thomas earl of Nottingham, and mareſchal of England, entered before the parliament an accuſation or appeal, as it was called, againſt the five counſellors, whom they had already accuſed before the King. The parliament, who ought to have been judges, were not aſhamed to impoſe an oath on all their members, by which they bound themſelves to live and die with the lords appellants, and to defend them againſt all their enemies with their lives and fortunes *.

1388. 3d February.

Expulſion or execution of the King's miniſters.

THE other proceedings were well ſuited to the violence and iniquity of the times. A charge, conſiſting of thirty-nine articles, was delivered in by the appellants; and as none of the accuſed counſellors, except ſir Nicholas Brembre, was in cuſtody, the reſt were cited to anſwer; and upon their non-appearance, after a very ſhort interval, without hearing a witneſs, without examining a fact, or deliberating on one point of law, the houſe of peers declared them guilty of high treaſon. Sir Nicholas Brembre, who was produced in court, had the appearance, and probably no more than the appearance, of a trial: The peers, tho' they were not by law his proper judges, pronounced, in a very ſummary manner, ſentence of death upon him; and he was executed, together with Sir Robert Treſilian, who had been diſcovered and taken in the interval.

IT would be tedious to recite the whole charge delivered in againſt the five counſellors; which is to be met with in ſeveral collections †. It is ſufficient to obſerve in general, that if we reaſon upon the ſuppoſition, which is the true one, that the royal prerogative was invaded by the commiſſion given to the duke of Gloceſter and his aſſociates, and that the King's perſon was afterwards detained

* Cotton, p. 322. † Knyghton, p. 2715. Tyrrel, vol. 3. part 2. p. 919, from the records. Parliamentary Hiſtory, vol. 1. p. 414.

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in cuſtody by rebels, many of the articles will appear, not only to imply no crime in the duke of Ireland and the miniſters, but to impute to them actions, which were laudable, and which they were bound by their allegiance to perform. The few articles, reſpecting the conduct of theſe miniſters before that commiſſion, which ſubverted the conſtitution, and annihilated all juſtice and legal authority, are vague and general; ſuch as their engroſſing the King's favour, keeping the grandees at a diſtance from him, obtaining unreaſonable grants for themſelves or their creatures, and diſſipating the public treaſure by uſeleſs expences. No violence is objected to them; no particular illegal act *; no breach of any ſtatute; and their adminiſtration may therefore be concluded to have been ſo far innocent and inoffenſive. All the diſorders indeed ſeem to have proceeded, not from any infringement of the laws attempted by the miniſters, but merely from a rivalſhip of power, which the duke of Gloceſter, and the great nobility, agreeable to the genius of the times, carried to the utmoſt extremity againſt their opponents, without any regard to reaſon, juſtice or humanity. Chap. XVII. 1388.

But theſe were not the only acts of violence committed during the triumph of the party. All the other judges, who had ſigned the extrajudicial opinions at Nottingham, were condemned to death, and were, as a grace or favour, baniſhed to Ireland; tho' they pleaded the fear of their lives, and the menaces of the King's miniſters as their excuſe. The lord Beauchamp of Holt, ſir James Berners, and ſir John Saliſbury, were alſo tried and condemned for high treaſon; merely becauſe they had attempted to defeat the late commiſſion: But the life of the latter was ſpared. The fate of ſir Simon Burley was more ſevere: This gentleman was much beloved for his perſonal merit, had diſtinguiſhed himſelf by many honourable actions †, was created knight of the garter, and had been appointed governor to Richard, by the choice of the late King and the Black prince: He

* We muſt except the 12th article, which accuſes Brembre of having cut off the heads of twenty-two priſoners, confined for felony or debt, without warrant or proceſs of law: But as it is not conceivable what intereſt Brembre could have to treat theſe felons and debtors in ſuch a manner; we may preſume that the fact is either falſe or miſrepreſented. It was in theſe mens power to ſay any thing againſt the perſons accuſed: No defence or apology was admitted: All was lawleſs will and pleaſure.

They are alſo accuſed of deſigns to murder the lords; but theſe accuſations either are general, or deſtroy one another. Sometimes, as in article 15th, they intend to murder them by means of the mayor and city of London: Sometimes, as in article 28th, by trial and falſe inqueſts: Sometimes, as in article 28th, by means of the King of France, who was to receive Calais for his pains.

† At leaſt, this is the character given of him by Froiſſart, liv. 2. who knew him perſonally: Walſing. p. 334, gives a very different character of him; but he is a writer ſomewhat paſſionate and partial; and the choice made of this gentleman by Edward III. and the Black prince for the education of Richard, makes the character given of him by Froiſſart, much more probable.

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Chap. XVII. 1388. had attended his maſter from the earlieſt infancy of that prince, and had ever remained extremely attached to him: Yet all theſe conſiderations could not ſave him from falling a victim to Gloceſter's vengeance. This execution, more than all the others, made a deep impreſſion on Richard's mind: His Queen too (for he was already married to the ſiſter of the Emperor Wincheſlaus, King of Bohemia) intereſted herſelf extremely in behalf of Burley: She remained three hours on her knees before the earl of Gloceſter, pleading for that gentleman's life; but tho' ſhe was become extremely popular by her amiable qualities, which had acquired her the appellation of *the good Queen Ann*; her petition was ſternly rejected by that inexorable tyrant.

THE parliament concluded this violent ſcene by a declaration, that none of the articles, decided on theſe trials to be treaſon, ſhould ever afterwards be drawn into precedent by the judges, who were ſtill to conſider the ſtatute of the twenty-fifth of Edward as the rule of their conduct. The houſe of lords ſeem not at that time to have known or acknowledged the principle, that they themſelves were bound, in their judicial capacity, to follow the rules, which they had eſtabliſhed in their legiſlative *. It was alſo enacted, that every one ſhould ſwear to the perpetual maintenance and ſupport of the forfeitures and attainders, and of all the other acts paſſed during this parliament. The archbiſhop of Canterbury added the penalty of excommunication, as a farther ſecurity of theſe deeds of violence.

IT might naturally be expected, that the King, being reduced to ſuch ſlavery
1389. by the combination of the princes of the blood and the chief nobility, and having appeared ſo unable to defend his ſervants from the moſt cruel effects of their reſentment, would long remain in ſubjection to them; and never would recover

* In general, the parliament in thoſe days never paid a proper regard to Edward's ſtatute of treaſons, tho' one of the moſt advantageous laws for the ſubject that has ever been enacted. In the 17th of the King, *the dukes of Lancaſter and Gloceſter complain to Richard that Sir Thomas Talbot, with others of his adherents conſpired the death of the ſaid dukes in divers parts of Cheſhire, as the ſame was confeſſed and well known; and praying that the parliament may judge of the fault. Whereupon the King and the lords in the parliament judged the ſame fact to be open and high treaſon: And hereupon they award two writs, the one to the ſheriff of York, and the other to the ſheriffs of Derby, to take the body of the ſaid Sir Thomas returnable in the King's bench in the month of Eaſter then enſuing. And open proclamation was made in Weſtminſter-hall, that upon the ſheriff's return, and at the next coming in of the ſaid Sir Thomas, the ſaid Thomas ſhould be convicted of treaſon, and incur the loſs and pain of the ſame: And all ſuch as ſhould receive him after the proclamation ſhould incur the ſame loſs and pain.* Cotton, p. 354. It is to be obſerved, that this extraordinary judgment was paſſed in a time of tranquillity. Tho' the ſtatute itſelf of Edward III. reſerves a power to the parliament to declare any new ſpecies of treaſon, it is not to be ſuppoſed that this power was reſerved to the houſe of lords alone, or that men were to be judged by a law *ex poſt facto*. At leaſt, if ſuch be the meaning of the clauſe; it may be affirmed, that men were at that time very ignorant of the firſt principles of law and juſtice.

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the royal power, without the moſt violent ſtruggles and convulſions: But the event proved otherwiſe. In leſs than a twelvemonth, Richard, who was in his twenty-third year, declared in council, that as he had now attained the full age, which intitled him to govern by his own authority his kingdom and houſehold, he reſolved to exerciſe his right of ſovereignty; and when no one ventured to contradict ſo reaſonable an intention, he deprived Fitz-Alan archbiſhop of Canterbury of the dignity of chancellor, and beſtowed that high office on William of Wickham, biſhop of Wincheſter; the biſhop of Hereford was diſplaced from the office of treaſurer, the earl of Arundel from that of admiral; even the duke of Gloceſter and the earl of Warwic were removed for a time from the council-board: And no oppoſition was made to theſe great changes. The hiſtory of this reign is very imperfect, and very little to be depended on; except where it is ſupported by the public records: And it is not eaſy for us to aſſign the reaſon of this unexpected event. Perhaps, ſome ſecret animoſities, naturally to be expected in that ſituation, had crept in among the great men, and enabled the King to recover his authority. Perhaps, the violence of their former proceedings had loſt them the affections of the people, who ſoon repent of any cruel extremities, to which they are carried by their leaders. However this may be, Richard exerciſed with moderation the authority which he had reſumed. He ſeemed to be entirely reconciled to his uncles * and the other great men, of whom he had ſo much reaſon to complain: He never attempted to recal from baniſhment the duke of Ireland, whom he found ſo obnoxious to them: He confirmed by proclamation the general pardon, which the parliament had paſſed for all offences: And he courted the affections of the people, by voluntarily remitting ſome ſubſidies, which had been granted him; a remarkable, and almoſt a ſingular inſtance of ſuch generoſity. Chap. XVII. 1389.

After this compoſure of domeſtic differences, and reſtoration of the government to its natural ſtate, there paſſes an interval of eight years, which affords not many remarkable events. The duke of Lancaſter returned from Spain; having reſigned to his rival all pretenſions to the crown of Caſtile upon payment of a large ſum of money †, and having married his daughter, Philippa, to the King of Portugal. The authority of this prince ſerved to counterbalance that of the duke of Gloceſter, and ſecured the power of Richard, who paid great court to his eldeſt uncle, by whom he had never been offended, and whom he found more moderate in his temper than the younger. He made a ceſſion to him for life of the dutchy of Guienne ‖, which the inclinations and changeable humour of the Gaſcons had

* Dugdale, vol. 2. p. 170. † Knyghton, p. 2677. Walſingham, p. 342.
‡ Rymer, vol. 7. p. 659.

Chap. XVII 1389. restored to the Engliſh government; but as they remonſtrated loudly againſt this deed, it was finally, with the duke's conſent, revoked by Richard *. There happened an incident, which produced a diſſenſion between Lancaſter and his two brothers. After the death of the Spaniſh princeſs, he eſpouſed Catharine Swineford, daughter of a private knight of Hainault, by whoſe alliance, York and Gloceſter thought the dignity of their family much injured: But the King gratified his uncle by paſſing in parliament a charter of legitimation to the children, whom that lady had born him before marriage, and by creating the eldeſt, earl of Somerſet †.

THE wars, mean while, which Richard had inherited with his crown, ſtill continued; tho' interrupted by frequent truces according to the practice of that age, and conducted with little vigor, by reaſon of the weakneſs of all parties. The French war was ſcarce heard of; the tranquillity of the northern borders was only interrupted by one inroad of the Scots, which proceeded more from a rivalſhip between the two martial families of Piercy and Douglas, than from any national quarrel: A fierce battle or ſkirmiſh was fought at Otterborne ‡, in which young Piercy, ſirnamed *Hotſpur*, from his impetuous valor, was taken priſoner, and Douglas ſlain; and the victory remained undecided ‖. Some in-
1394. ſurrections of the Iriſh obliged the King to make an expedition into that country, which he reduced to obedience; and he recovered, in ſome degree, by this enterprize, his character of courage, which had ſuffered a little by the inactivity of his
1396. reign. At laſt, the Engliſh and French courts began to think in earneſt of a laſting peace; but found it ſo difficult to adjuſt their oppoſite pretenſions, that they were contented to eſtabliſh a truce of twenty-five years §: Breſt and Cherbourg were reſtored, the former to the duke of Brittany, the latter to the King of Navarre: Both parties were left in poſſeſſion of all the other places which they held at preſent: And to render the amity between the two crowns more durable, Richard, who was now a widower, was affianced to Iſabella, the daughter of Charles ⸸. This princeſs was only ſeven years of age; but the King agreed to ſo unequal a match, chiefly that he might fortify himſelf, by this alliance, againſt the enterprizes of his uncles and the incurable turbulency as well as inconſtancy of his barons.

THE adminiſtration of the King, tho' it was not, in this interval, ſullied by any unpopular act, except the ſeizure of the charter of London *, which was

* Rymer, vol. 7. p. 687.
‡ 15th Auguſt, 1388.
§ Rymer, vol. 7. p. 820. Walſingham, p. 347.
† Cotton, p. 365. Walſingham, p. 352.
‖ Froiſſart, lib. 3. chap. 124, 125, 126. Walſingham, p. 355.
⸸ Rymer, vol. 7. p. 811.
* Rymer, vol. 7. p. 727.

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ſoon after reſtored, had not tended much to fortify his authority; and his perſonal character brought him into contempt, even while his public government appeared in a good meaſure unexceptionable. Indolent, expenſive, addicted to low pleaſures; he ſpent his whole time in feaſting and jollity, and diſſipated in idle ſhow, or in bounty to favourites of no reputation, that revenue which the people expected to ſee him employ in enterprizes directed to public honour and advantage. He forgot his rank by admitting all men to his familiarity; and he was not ſenſible, that their acquaintance with the qualities of his mind was not able to impreſs them with the reſpect which he neglected to preſerve from his birth and ſtation. The earls of Kent and Huntington, his half brothers, were his chief confidents and favourites; and tho' he never devoted himſelf to them with ſo profuſe an affection as that with which he had been attached to the duke of Ireland, it was eaſy for men to ſee that every grace paſſed thro' their hands, and that the King had rendered himſelf a mere cypher in the government. The ſmall regard, which the public bore to his perſon, diſpoſed them to murmur againſt his adminiſtration, and to receive with greedy ears every complaint, which the diſcontented or ambitious grandees ſuggeſted to them. Chap. XVII. 1396.

Cabals of the duke of Gloceſter. 1397.

GLOCESTER ſoon perceived all the advantages, which this diſſolute conduct gave him; and finding, that both reſentment and jealouſy on the ſide of his nephew ſtill prevented him from acquiring any aſcendant over that prince, he determined to cultivate his popularity with the nation, and to revenge himſelf on thoſe who eclipſed him in favour and authority. He ſeldom appeared at court or in council: He never declared his opinion, but in order to diſapprove of the meaſures embraced by the King and his favourites: And he courted the friendſhip of every man, whom diſappointments or private reſentment had rendered an enemy to the adminiſtration. The long truce with France was very unpopular with the Engliſh, who breathed nothing but war againſt that hoſtile nation; and Gloceſter took care to encourage all the vulgar prejudices, which prevailed on this ſubject. Forgetting the misfortunes, which attended the Engliſh arms during the latter years of Edward; he made an invidious compariſon between the glories of that reign and the inactivity of the preſent, and he lamented that Richard ſhould have degenerated ſo far from the heroic virtues, by which his father and his grand-father were diſtinguiſhed. The military men were inflamed with a deſire of war, when they heard him talk of the ſignal victories formerly obtained, and of the eaſy prey which might be made of the French riches by the ſuperior valor of the Engliſh: The populace readily embraced the ſame ſentiments: And all men exclaimed, that this prince, whoſe councils were ſo much neglected, was the true ſupport of Engliſh honour, and alone able to

Chap. XVII. 1397. raiſe the nation to its former height of power and ſplendor. His great abilities, his popular manners, his princely extraction, his immenſe riches, his high office of conſtable *; all theſe advantages, not a little aſſiſted by his want of court-favour, gave him a mighty authority in the kingdom, and rendered him extremely formidable to Richard and his miniſters.

FROISSART †, a contemporary author and very impartial, but whoſe credit is ſomewhat impaired by his want of exactneſs in material facts, aſcribes to the duke of Gloceſter more deſperate views, and ſuch as were totally incompatible with the government and domeſtic tranquillity of the nation. According to that hiſtorian, he propoſed to his nephew, Roger Mortimer, earl of Marche, whom Richard had declared his ſucceſſor, to give him immediate poſſeſſion of the throne, by the depoſition of a prince, ſo unworthy of government and authority: And when Mortimer declined this project, he reſolved to make a partition of the kingdom between himſelf, his two brothers, and the earl of Arundel; and to diſpoſſeſs Richard entirely of the crown. The King, it is ſaid, being informed of theſe deſigns, ſaw, that either his own ruin or that of Gloceſter was inevitable; and he reſolved, by a haſty blow, to prevent the execution of ſuch deſtructive projects. This is certain, that Gloceſter, by his own confeſſion, had often affected to ſpeak contemptuouſly of the King's perſon and government; had deliberated concerning the lawfulneſs of throwing off allegiance to him; and had even born part in a ſecret conference, where his depoſition was propoſed and talked of, and determined ‡: But it is reaſonable to think, that his ſchemes were not ſo far advanced as to make him think of their immediate execution. The danger, probably, was ſtill too diſtant to render a deſperate remedy entirely neceſſary for the ſecurity of the government.

BUT whatever opinion we may form of Gloceſter's conſpiracies, his averſion to the French truce and alliance was public and avowed; and that court, which had now a great influence over the King, puſhed him to provide for his own ſafety, by taking revenge of the dangerous deſigns of his uncle. The reſentment of his former violences revived; the ſenſe of his refractory and uncompliant behaviour was ſtill recent; and a man, whoſe ambition had once uſurped royal authority, and murdered all the faithful ſervants of the King, was thought ca-

* Rymer, vol. 7. p. 152. † Liv. 4. Chap. 86.

‡ Cotton, p. 378. Tyrrel, vol. 3. part 2. p. 972, from the records. Parliamentary Hiſtory, vol. 1. p. 473. That this confeſſion was genuine, and obtained without violence, may be entirely depended on. Judge Rickhill, who brought it over from Calais, was tried on that account, and acquitted in the firſt parliament of Henry IV. when Gloceſter's party was prevalent. His acquittal, notwithſtanding his innocence, may even appear marvellous, conſidering the times. See Cotton, p. 393.

pable, on a favourable opportunity, of renewing the ſame treaſonable enterprizes. Chap. XVII.
The King's precipitant temper admitted of no deliberation: He ordered Gloceſter to be unexpectedly arreſted; to be hurried into a ſhip which was lying in the river; and to be carried over to Calais, where alone, he thought, that, by reaſon of his numerous partizans, he could ſafely be detained in cuſtody *. The earls of Arundel and Warwic, were ſeized at the ſame time: The malecontents, ſo ſuddenly deprived of their leaders, were aſtoniſhed, and over-awed: And the concurrence of the dukes of Lancaſter and York, in thoſe meaſures, with that of the earls of Derby and Rutland, the ſons of theſe princes †, bereaved them of all poſſibility of reſiſtance. 1397.

A PARLIAMENT was immediately ſummoned at Weſtminſter; and the King doubted not to find the peers, and ſtill more the commons, very compliant with his will. This houſe had in a former parliament given him very ſenſible proofs of their obedience ‡; and the preſent ſuppreſſion of Gloceſter's party made him ſtill more aſſured of a favourable election. As a farther expedient for that purpoſe, he is alſo ſaid to have employed the influence of the ſheriffs; a practice which, as it was then ſomewhat new, gave great umbrage, but which the eſtabliſhed authority of that aſſembly rendered afterwards more familiar to the nation. Accordingly, the parliament paſſed whatever acts the King was pleaſed to dictate to them §: They annulled forever the commiſſion which uſurped upon the royal authority, and declared it treaſonable to attempt, in any future period, the revival of any ſimilar commiſſion ‖: They abrogated all the acts, which 17th Sept.

* Froiſſart, liv. 4. chap. 90. Walſing. p. 354. † Rymer, vol. 8. p. 7.

‡ In the former parliament, the commons had ſhewn themſelves in a diſpoſition to be very complaiſant to the King; yet there happened an incident in their proceedings, which is very curious, and ſhews us the ſtate of the houſe in that period. The members were either country gentlemen, or merchants, who were aſſembled for a few days, and were entirely unacquainted with buſineſs; ſo that it was eaſy to lead them aſtray, and draw them into votes and reſolutions very different from their ſettled purpoſe. A member had propoſed ſome petitions concerning the ſtate of the nation; in which, among other things, the houſe recommended frugality to the King, and for that purpoſe, deſired, that the court ſhould not be ſo much frequented as formerly with *biſhops* and *ladies*. The King was diſpleaſed with this freedom: The commons very humbly craved pardon: He was not ſatisfied unleſs they would name the mover of that petition. It happened to be one Haxey, whom the parliament, in order to make attonement, condemned for this offence to die the death of a traitor. But the King, at the deſire of the archbiſhop of Canterbury, and the prelates, pardoned him. When a parliament in thoſe times, not agitated by any faction, and being at entire freedom, could be guilty of ſuch monſtrous extravagance, it is eaſy to judge what might be expected from them in more trying ſituations. See Cotton's abridg. p. 361, 362.

§ The nobles brought numerous retainers with them to give them ſecurity, as we are told by Walſingham, p. 354. The King had a few Cheſhire men for his guard.

‖ Statutes at large, 21. Richard II.

attainted

Chap. XVII. 1397. attainted the King's miniſters, and which that parliament who paſſed them, and the whole nation, had ſworn inviolably to maintain: And they declared the general pardon then granted to be invalid, as extorted by force, and never ratified by the free conſent of the King. Tho' Richard, after he reſumed the government, and lay no longer under conſtraint, had voluntarily, by proclamation, confirmed that general indemnity; this circumſtance ſeemed not, in their eyes, to merit the leaſt conſideration. Even a particular pardon granted ſix years after to the earl of Arundel, was annulled by parliament; upon pretence, that it was procured by ſurprize, and that the King was not then acquainted with the degree of guilt incurred by that nobleman.

THE commons then entered an impeachment againſt Fitz-Alan, archbiſhop of Canterbury, and brother to Arundel, and accuſed him of his concurrence in procuring the illegal commiſſion, and in attainting the King's miniſters. The primate pleaded guilty; but as he was protected by the eccleſiaſtical privileges, the King was ſatisfied with a ſentence, which baniſhed him the kingdom, and ſequeſtered his temporalities *. An appeal or accuſation was preſented againſt the duke of Gloceſter, and the earls of Arundel and Warwic, by the earls of Rutland, Kent, Huntington, Somerſet, Saliſbury, and Nottingham, together with the lords Spencer and Scrope, and they were accuſed of the ſame crimes which had been imputed to the archbiſhop, as well as of their appearance againſt the King in a hoſtile manner at Haringay-park. The earl of Arundel, who was brought to the bar, very wiſely confined all his defence to the pleading both the general and particular pardon of the King; but was over-ruled, condemned and executed †. The earl of Warwic, who was alſo convicted of high treaſon, was, on account of his ſubmiſſive behaviour, pardoned as to his life, but doomed to perpetual baniſhment in the Iſle of Man. No new acts of treaſon were imputed to either of theſe noblemen. The only crimes, for which they were condemned, were the old attempts againſt the crown, which ſeemed to be obliterated, both by the diſtance of time, and by repeated pardons ‡. The reaſons of this method of proceeding, it is difficult to conjecture. The recent conſpiracies of Gloceſter ſeem certain from his own confeſſion: But perhaps, the King and miniſtry had not, at that time, in their hands, any ſatisfactory proof of their reality; perhaps it was difficult to convict Arundel and Warwic, of any concurrence in them; perhaps, an enquiry into theſe conſpiracies would have involved in the guilt ſome of thoſe great noblemen, who now concurred with the crown, and whom it was neceſſary to cover from all imputation; or perhaps, the King, according to the genius of

* Cotton, p. 368. † Cotton, p. 377. Froiſſart, liv. 4. chap. 90. Walſing. p. 354.
‡ Tyrrel, vol. 3. part 2. p. 968. from the records.

that

that age, was very indifferent about ſaving even the appearances of juſtice and equity, and was only ſolicitous by any means to enſure ſucceſs in theſe proſecutions. This point, like many others in antient hiſtory, we are obliged to leave altogether undetermined. Chap. XVII. 1397.

A WARRANT was iſſued to the earl Mareſchal, governor of Calais, to bring over the duke of Gloceſter, in order to his trial; but the governor returned for anſwer, that the duke had died ſuddenly of an apoplexy in that fortreſs. Nothing could be more ſuſpicious than the time of that prince's death: It became immediately the general opinion, that he was murdered by orders from his nephew: In the ſubſequent reign undoubted proofs were produced to parliament, that he had been ſuffocated with pillows by his keepers *: And it appeared, that the King, apprehenſive leſt the public trial and execution of ſo popular a prince, and ſo near a relation, might prove both dangerous and invidious, had taken this baſe method of gratifying, and as he fancied, concealing his revenge upon him. Both parties, in their ſucceſſive triumphs, ſeem to have had no farther concern than that of retaliating upon their adverſaries; and neither of them were aware, that, in imitating, they indirectly juſtified, asfar as it lay in their power, all the illegal violences of the oppoſite party. Murder of the duke of Gloceſter.

THIS ſeſſion concluded with the creation or advancement of ſeveral peers; the earl of Derby was made duke of Hereford; the earl of Rutland, duke of Albemarle; the earl of Kent, duke of Surrey; the earl of Huntington duke of Exeter; the earl of Nottingham, duke of Norfolk; the earl of Somerſet, marquis of Dorſet; lord Spencer, earl of Gloceſter; Ralph Nevil, earl of Weſtmoreland; Thomas Piercy, earl of Worceſter; William Scrope, earl of Wiltſhire †. The parliament, after a ſeſſion of twelve days, was then adjourned to Shrewſbury. The King, before the departure of the members, exacted of them an oath for the perpetual maintainance and eſtabliſhment of their acts, ſimilar to that which had formerly been required by the duke of Gloceſter and his party, and which had already proved ſo vain and fruitleſs.

BOTH King and parliament met in the ſame diſpoſitions at Shrewſbury. So anxious was Richard for the ſecurity of theſe acts, that he obliged the lords and commons to ſwear anew to them on the croſs of Canterbury ‡; and he ſoon after procured a bull from the Pope, by which they were, as he imagined, perpetually ſecured and eſtabliſhed §. The parliament, on the other hand, conferred on him *for life* the duties on wool, wool-fells, and leather, and granted him beſides, 1398. 28th January.

* Cotton, p. 399, 400. Dugdale, vol. 2. p. 171. † Cotton, p. 370, 371.
‡ Cotton, p. 371. § Walſingham, p. 355.

Chap. XVII. 1398. a subsidy of one whole tenth and fifteenth and of a half tenth and fifteenth. They also reversed the attainder of Tresilian and the other judges; and with the approbation of the present judges, declared the answers, for which these magistrates had been impeached, to be just and legal *: And they carried so far their retrospect as to reverse, on the petition of the lord Spencer, earl of Gloceſter, the attainder pronounced against the two Spencers in the reign of Edward II †. The antient history of England is nothing but a catalogue of reversals: Every thing is in fluctuation and movement: One faction is continually undoing what was established by another: And the multiplied oaths, which each party requires for the security of the present acts, betray a perpetual consciousness of their instability.

THE parliament, before they were dissolved, elected a committee of twelve lords and six commoners ‡, whom they vested with the whole power both of lords and commons, and endowed with full authority to finish all business, which had been laid before the houses, and which they had not had leisure to bring to a conclusion §. This was a very unusual concession; and tho' it was limited in the object, might, either immediately or as a precedent, have proved dangerous to the constitution: But the cause of that extraordinary measure was an event very singular and unexpected, which engaged the attention of the parliament.

AFTER the destruction of the duke of Gloceſter and the heads of that party, a misunderstanding broke out among those noblemen, who had joined in the prosecution; and the King wanted either authority sufficient to appease it, or foresight to prevent it. The duke of Hereford appeared in parliament, and accused the duke of Norfolk of having spoke to him, in private, many slanderous words of the King, and of having imputed to his majesty an intention of subverting and destroying many of his principal nobility ‖. Norfolk denied the charge, gave Hereford the lie, and offered to prove his innocence by duel. The challenge was accepted: The time and place of combat were appointed: And as the event of this important trial by arms might require the interposition of legislative authority, the parliament thought it more suitable to delegate their power to a

* Statutes at large. 21 Rich. II. † Cotton, p. 372.

‡ The names of the commissioners were the dukes of Lancaster, York, Albemarle, Surrey, and Exeter, the marquis of Dorset, the earls of March, Salisbury, Northumberland, Gloceſter, Winchester, and Wiltshire, John Bussey, Henry Green, John Russel, Robert Teye, Henry Chelmeswike, and John Golofre. It is to be remarked, that the duke of Lancaster always concurred with the rest in all their proceedings, even in the banishment of his son, which was afterwards so much complained of.

§ Cotton, p. 372. Walsingham, p. 355. ‖ Cotton, p. 372. Parliamentary history, vol. 1. p. 490.

com-

committee, than to prolong the ſeſſion beyond the uſual time, which cuſtom and general convenience had preſcribed to it*. Chap. XVII. 1398.

THE duke of Hereford was certainly very little delicate in point of honour, to betray a private converſation to the ruin of the perſon who entruſted him; and we may thence be more inclined to believe the duke of Norfolk's denial, than the other's aſſeveration. But Norfolk had in theſe tranſactions betrayed an equal neglect of honour, which brings him entirely to a level with his antagoniſt. Tho' he had publickly joined with the duke of Gloceſter and that party in all the former violences put upon the King; and his name ſtands among the appellants who accuſed the duke of Ireland and the other miniſters: Yet was he not aſhamed publickly to impeach his former aſſociates for the very crimes, which he had concurred with them in committing, and his name encreaſes the liſt of thoſe appellants who brought them to a trial. Such were the principles and practices of thoſe antient knights and barons during the prevalence of the feudal government, and the reign of chivalry.

THE liſts for this deciſion of truth and right were appointed at Coventry before the King: All the nobility of England bandied into parties, and adhered either to the one duke or the other: The whole nation was held in ſuſpence with regard to the event: But when the two champions appeared in the field, accoutered for the combat, the King interpoſed to prevent, both the preſent effuſion of ſuch noble blood, and the future conſequences of the quarrel. By the advice and authority of the parliamentary commiſſioners, he ſtopped the duel; and to ſhow his impartiality, he ordered, by the ſame authority, both the combatants to leave the kingdom †, aſſigning one country for the place of Norfolk's exile, which he declared perpetual, and another for that of Hereford, which he limited to ten years.

HEREFORD was a man of great prudence and command of temper; and he behaved himſelf with ſo much ſubmiſſion in theſe delicate circumſtances, that the King, before his departure, promiſed to ſhorten the term of his exile four years; and he alſo granted him letters patent, by which he was empowered, in caſe any inheritance ſhould in the mean time fall to him, to enter immediately in poſſeſſion, and to poſtpone the doing homage till his return.

THE weakneſs and fluctuation of Richard's councils appear no where more evident than in the conduct of this affair. No ſooner had Henry left the kingdom, Baniſhment of Henry duke of Hereford.

* In the firſt year of Henry VI. when the authority of parliament was great, and when that aſſembly could leaſt be ſuſpected of lying under violence, a like conceſſion was made to the council from like motives of convenience. See Cotton, p. 564.

† Cotton, p. 380. Walſingham, p. 356.

Chap. XVII. 1398. than the King's jealouſy of the immenſe power and riches of that family revived; and he was ſenſible, that, by Gloceſter's death, he had only removed a counterpoize to the Lancaſtrian intereſt, which was now become formidable to his crown and kingdom. Being informed, that Hereford had opened a treaty of marriage with the daughter of the duke of Berry, uncle to the French King, he determined to prevent the finiſhing of an alliance, which would extend ſo much the intereſt of that nobleman into foreign countries; and he ſent over the earl of Saliſbury to Paris with a commiſſion for that purpoſe. The death of the duke of Lancaſter, which happened ſoon after, called upon him to take new reſolutions with regard to that opulent ſucceſſion. The preſent duke, in conſequence of the King's patent, deſired to be put in poſſeſſion of the eſtate and juriſdictions of his father: But Richard, afraid of ſtrengthening the hands of a man, whom he had already ſo ſenſibly injured, applied to the parliamentary commiſſioners, and perſuaded them that this affair was but an appendage of that buſineſs, which the parliament had delegated to them. By their authority, he revoked his letters patent, and retained poſſeſſion of the eſtate of Lancaſter: And by the ſame authority, he ſeized and tried the duke's attorney, who had procured and inſiſted on the letters, and had him condemned as a traitor, for faithfully executing that truſt to his maſter*. A moſt extravagant act of power! even tho' the King changed, in favour of the attorney, the penalty of death into that of baniſhment.

1399. 3d Feb.

HENRY, the new duke of Lancaſter, had long acquired, by his conduct and abilities, the eſteem of the public; and having ſerved with diſtinction againſt the infidels in Lithuania, he had joined to his other praiſes thoſe of piety and valour, virtues which have at all times a great influence over mankind, and were, during thoſe ages, the qualities chiefly held in eſtimation†. He was connected with moſt of the principal nobility by blood, alliances, or friendſhip; and as the injury, done him by the King, might in its conſequences affect all of them, he eaſily brought them, by a ſenſe of common intereſt, to take part in his reſentment. The people, who muſt have an object of affection, and who found nothing in the King's perſon, which they could love or revere, and were even diſguſted with many parts of his conduct‡, eaſily transferred to Henry that attach-

* Tyrrel, vol. 3. part 2. p. 991, from the records. † Walſingham, p. 343.

‡ He levied fines from thoſe who had ten years before joined the duke of Gloceſter and his party: They were obliged to pay him money, before he would allow them to enjoy the benefit of the indemnity; and in the articles of charge againſt him, it is aſſerted, that the payment of one fine did not ſuffice. It is indeed likely, that his miniſters would abuſe the power put into their hands; and this grievance extended to very many people. Hiſtorians agree in repreſenting this practice as a great oppreſſion. See Otterburn, p. 199.

ment,

ment, which the death of the duke of Gloceſter had left without any fixed direction. His misfortunes were lamented; the injuſtice, which he had ſuffered, complained of; and all men turned their eyes towards him, as the only perſon who could retrieve the loſt honour of the nation, or redreſs the ſuppoſed abuſes of the government. Chap. XVII. 1399.

Return of Henry.

While ſuch was the diſpoſition of the people, Richard had the imprudence to embark for Ireland, in order to revenge the death of his couſin, Roger earl of Marche, the preſumptive heir of the crown, who had lately been ſlain in a ſkirmiſh by the natives; and he thereby left the kingdom of England open to the attempts of his provoked and ambitious enemy. Henry, embarking at Nantz with a retinue of ſixty perſons, among whom were the archbiſhop of Canterbury and the young earl of Arundel, nephew to that prelate, landed at Ravenſpur in Yorkſhire; and was immediately joined by the earls of Northumberland and Weſtmoreland, two of the moſt potent barons in England. He here took a ſolemn oath, that he had no other purpoſe in this invaſion, than to recover the dutchy of Lancaſter, unjuſtly detained from him; and he invited all his friends in England, and all lovers of their country, to ſecond him in this reaſonable and moderate pretenſion. Every place was in commotion: The malecontents in all quarters flew to arms: London diſcovered the ſtrongeſt ſymptoms of its diſpoſition to mutiny and rebellion: And Henry's army, encreaſing on every day's march, ſoon amounted to the number of 60,000 men. 4th July.

General inſurrection.

The duke of York was left guardian of the realm; a place to which his birth intitled him, but which both his ſlender abilities, and his natural connexions with the duke of Lancaſter, rendered him utterly incapable of filling in ſuch a dangerous emergency. All the chief nobility, who were attached to the crown, and who could either have ſeconded the guardian's good intentions, or have overawed his infidelity, had attended the King into Ireland; and the efforts of Richard's friends were every where more feeble than thoſe of his enemies. The duke of York, however, appointed the rendezvous of his forces at St. Albans, and ſoon aſſembled an army of 40,000 men; but found them entirely deſtitute of zeal and attachment to the royal cauſe, and more inclined to join the party of the rebels. He hearkened therefore very readily to a meſſage from Henry, who entreated him not to oppoſe a loyal and humble ſupplicant in the recovery of his legal patrimony; and the Guardian even declared publickly that he would ſecond his nephew in ſo reaſonable a requeſt. His army, embraced with acclamations the ſame party; and the duke of Lancaſter, re-inforced by their numbers, was now intirely maſter of the kingdom. He haſtened to Briſtol, into which ſome of the King's miniſters had thrown themſelves; and ſoon obliging that place to ſurrender,

Chap. XVII. 1399. render, he yielded to the cries of the populace, and without giving them a trial, ordered the earl of Wiltſhire, Sir John Buſſy, and Sir Henry Green, whom he there took priſoners, to be led out to immediate execution.

THE King, receiving intelligence of this invaſion and inſurrection, haſtened over from Ireland, and landed in Milford Haven with a body of 20,000 men: But even this army, ſo much inferior to the enemy, were either overawed by the general combination of the kingdom, or ſeized with the ſame ſpirit of rebellion; and they gradually deſerted him, till he found that he had not above 6000 men, who followed his ſtandard. It appeared, therefore, neceſſary to retire ſecretly from this ſmall body, which ſerved only to expoſe him to danger; and he fled to the iſle of Angleſea, where he purpoſed to embark either for Ireland or France, and there await the favourable opportunities, which the return of his ſubjects to a ſenſe of duty, or their future diſcontents againſt the duke of Lancaſter, would probably afford him. Henry, ſenſible of this danger, ſent to him the earl of Northumberland with the ſtrongeſt profeſſions of loyalty and ſubmiſſion; and that nobleman, by treachery and falſe oaths, made himſelf maſter of the King's perſon, and carried him to his enemy at Flint caſtle. Richard was
1ſt Septr. conducted to London, by the duke of Lancaſter, who was there received with the acclamations of the mutinous populace. It is pretended, that the Recorder met him on the road; and in the name of the city, entreated him, for the public ſafety, to put Richard to death, with all his adherents who were priſoners *; but the duke very prudently determined to make many others participate of his guilt, before he would proceed to thoſe extremities. For this purpoſe, he iſſued writs of election in the King's name, and appointed the immediate meeting of a parliament at Weſtminſter.

SUCH of the peers, as were the moſt devoted to the King, were either fled or impriſoned; and no opponents, even among the barons, dared to appear againſt Henry amid that ſcene of outrage and violence, which commonly attends revolutions, more eſpecially in England during thoſe turbulent ages: And it is alſo eaſy to imagine, that a houſe of commons, elected during this univerſal ferment, and this triumph of the Lancaſtrian party, would be extremely attached to that cauſe, and ready to ſecond every ſuggeſtion of their leader. That order, being as yet of too little weight to ſtem the torrent, was always carried along with it, and ſerved only to encreaſe the violence, which the public intereſt required it ſhould endeavour to
Depoſition of the King. controul. The duke of Lancaſter, therefore, ſenſible that he would be entirely maſter, began to carry his views to the crown itſelf; and he deliberated with his partizans concerning the moſt proper means of effecting his violent purpoſe. He

* Walſingham.

firſt

first extorted a resignation from Richard *; but as he knew, that that deed would plainly appear the result of force and fear, he also proposed, notwithstanding the danger of the precedent to himself and his posterity, to have him solemnly deposed in parliament for his pretended tyranny and misconduct. A charge, consisting of thirty-three articles, was accordingly drawn up against him, and presented to that assembly †. Chap. XVII. 1399. 28th Sept.

If we examine these articles, which are expressed with extreme acrimony against Richard, we shall find, that, except some rash speeches, which are imputed to him ‡, and of whose reality, as they are said to have passed in private conversation, we may very reasonably entertain some doubt; the chief amount of the charge is contained in his violent conduct during the last years of his reign, and naturally divides itself into two principal heads. The first and most considerable is the revenge, which he took on the princes and great barons, who had formerly usurped, and still persevered in controuling and threatning his authority; the second is the violation of the laws and general privileges of his people. But the former, however irregular in many of its circumstances, was fully supported by authority of parliament, and was but a copy of the violence, which the princes and barons themselves, during their former triumph, had exercised against him and his party. The detention of Lancaster's estate was, properly speaking, a revocation, by the appearance at least of parliamentary authority, of a grace, which the King himself had formerly granted him. The murder of Gloceſter (for the secret execution, however merited, of that prince, certainly deserves this appellation) was a private deed, formed not any precedent, and implied not any assumed or arbitrary power of the crown, which could justly give umbrage to the people. It was really the effect of the King's weakness, rather than ambition; and proves, that, instead of being dangerous to the constitution, he possessed not even the authority requisite for the execution of the laws.

The second head of accusation, as it consists mostly of general facts, and was framed by Richard's inveterate enemies, and was never allowed to be answered by him or his friends; it is more difficult to form a judgment of. The greatest part of these grievances, objected to Richard, seems to be the exertion of arbitrary prerogatives; such as the dispensing power ‖, levying purveyance §, employing the marshal's court ⊥, extorting loans *, granting protections from law-suits †; prerogatives, which, tho' often complained of, had often been exercised by his predecessors, and still continued to be so by his successors. But whether his ir-

* Knyghton, p. 2744. Otterbourne, p. 212. † Tyrrel, vol. 3. part 2. p. 1008 from the records. Knyghton, p. 2746. Otterbourne, p. 214. ‡ Art. 16, 26.
‖ Art. 13, 17, 18. § Art. 22. ⊥ Art. 27. * Art. 14. † Art. 16.

regular

Chap. XVII. 1399.

regular acts of this kind were more frequent and injudicious and violent than uſual, or were only laid hold of and more exaggerated, by the factions, to which the weakneſs of his reign had given birth, we are not able at this diſtance to determine with certainty. There is however one circumſtance, in which his conduct is viſibly different from that of his grandfather: He is not accuſed of having impoſed one arbitrary tax, without conſent of parliament, during his whole reign *: Scarce a year paſſed during the reign of Edward, which was free from complaints with regard to this grievous and dangerous exertion of authority. But, perhaps, the great aſcendant, which Edward had acquired over his people, together with his great prudence, enabled him to make a uſe very advantageous to his ſubjects of this and other arbitrary prerogatives, and rendered them a ſmaller grievance in his hands, than a leſs abſolute authority in thoſe of his grandſon. This is a point, which it would be raſh for us to decide poſitively on either ſide; but it is certain, that a charge drawn up by the duke of Lancaſter, and aſſented to by a parliament, ſituated in theſe circumſtances, forms no manner of preſumption with regard to the unuſual irregularity or violence of the King's conduct in this particular †.

When the charge againſt Richard was preſented to the parliament, tho' it was liable, almoſt in every article, to objections, it was not canvaſſed, nor examined, nor diſputed in either houſe, and ſeemed to be received with unanimous approbation. One man alone, the biſhop of Carliſle, had the courage, amidſt

* We learn from Cotton, p. 362, that the King, by his chancellor, told the commons, *that they were ſunderly bound to him, and namely in forbearing to charge them with diſmes and fifteens, the which he meant* no more *to charge them in his own perſon.* Theſe words, *no more*, allude to the practice of his predeceſſors: He had not himſelf impoſed any arbitrary taxes: Even the parliament, in the articles of his depoſition, tho' they complain of heavy taxes, affirm not, that they were impoſed illegally or by arbitrary will.

† To ſhow how little credit is to be given to this charge againſt Richard, we may obſerve, that a law in the 13 Edw. III. had been made againſt the continuance of ſheriffs for more than one year: But the inconvenience of changes having afterwards appeared from experience, the commons in the twentieth of this King, applied by petition that the ſheriffs might be continued; tho' that petition had not been enacted into a ſtatute, by reaſon of other diſagreeable circumſtances, which attended it. See Cotton, p. 361. It was certainly a very moderate exerciſe of the diſpenſing power for the King to continue the ſheriffs, after he found that that practice would be acceptable to his ſubjects, and had been applied for by one houſe of parliament: Yet is this made an article of charge againſt him by the preſent parliament. See art. 18. Walſingham ſpeaking of a period early in Richard's minority, ſays, *But what do acts of parliament ſignify, when, after they are made, they take no effect; ſince the King, by the advice of the privy-council, takes upon him to alter, or wholly ſet aſide, all thoſe things, which by general conſent had been ordained in parliament?* If Richard, therefore, exerciſed the diſpenſing power, he was warranted by the examples of his uncles and grandfather, and indeed of all his predeceſſors from Henry III.

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this univerſal diſloyalty and violence, to appear in defence of his unhappy maſter, and to plead his cauſe againſt all the power of the prevailing party. Tho' ſome topics, employed by that virtuous prelate, may ſeem to favour too much the doctrine of paſſive obedience, and to make too large a ſacrifice of the rights of mankind; he was naturally puſhed into that extreme by his abhorrence of the preſent licentious factions; and ſuch intrepidity, as well as diſintereſtedneſs of behaviour, proves, that, whatever his ſpeculative principles were, his heart was elevated far above the meanneſs and abject ſubmiſſion of a ſlave. He repreſented to the parliament, that all the abuſes of government, which could juſtly be imputed to Richard, far from amounting to tyranny, were merely the reſult of error, youth, or miſguided council, and admitted of a remedy, more eaſy and ſalutary, than a total ſubverſion of the conſtitution. That even had they been much more violent and dangerous than they really were, they had chiefly proceeded from former examples of reſiſtance, which, making the prince ſenſible of his precarious ſituation, had obliged him to eſtabliſh his throne by irregular and arbitrary expedients. That a rebellious diſpoſition in ſubjects was the principal cauſe of tyranny in Kings: Laws could never ſecure the ſubject, which did not give ſecurity to the ſovereign: And if the maxim of inviolable loyalty, which formed the baſis of the Engliſh government, were once rejected, the privileges, belonging to the ſeveral orders of the ſtate, inſtead of being fortified by that licentiouſneſs, would thereby loſe the ſureſt foundation of their force and ſtability. That the parliamentary depoſition of Edward II. far from making a precedent, which could controul this maxim, was only the example of ſucceſsful violence; and it was ſufficiently to be lamented, that crimes were ſo often committed in the world, without eſtabliſhing principles which might juſtify and authorize them. That even that precedent, falſe and dangerous as it was, could never warrant the preſent exceſſes, which were ſo much greater, and which would entail diſtraction and miſery on the nation, to their lateſt poſterity. That the ſucceſſion, at leaſt, of the crown, was then preſerved inviolate: The lineal heir was placed on the throne: And the people had an opportunity, by their legal obedience to him, of making atonement for the violences which they had committed againſt his predeceſſor. That a deſcendant of Lionel, duke of Clarence, the elder brother of the late duke of Lancaſter, had been declared in parliament ſucceſſor to the crown: He had left poſterity: And their title, however it might be overpowered by preſent force and faction, could never be obliterated from the minds of the people: That if the turbulent diſpoſition alone of the nation, had overturned the well-eſtabliſhed throne of ſo good a prince as Richard; what bloody commotions muſt enſue, when the ſame cauſe was united to the motive of reſtoring the legal

Chap. XVII. 1399.

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Chap. XVII. 1396. and undoubted heir to his authority? That the new government, intended to be eſtabliſhed, would ſtand on no principles; and would ſcarce retain any pretence, by which it could challenge the obedience of men of ſenſe or virtue. That the claim of lineal deſcent was ſo groſs as ſcarcely to deceive the moſt ignorant of the populace: Conqueſt could never be pleaded by a rebel againſt his ſovereign: The conſent of the people had no authority in a monarchy not derived from conſent, but eſtabliſhed by hereditary right; and however the nation might be juſtified, in depoſing the miſguided Richard, it could never have any reaſon for paſſing by his lawful heir and ſucceſſor, who was plainly innocent. And that the duke of Lancaſter would give them but a bad ſpecimen of the legal moderation, which might be expected from his future government, if he added, to the crime of his paſt rebellion, the guilt of excluding the family, which, both by right of blood, and by declaration of parliament, would, in caſe of Richard's deceaſe, or voluntary reſignation, have been received as the undoubted heirs of the monarchy *.

ALL the circumſtances of this event, compared to thoſe attending the late revolution in 1688, ſhow the difference between a great and a civilized nation, deliberately vindicating its eſtabliſhed privileges, and a turbulent and barbarous ariſtocracy, plunging headlong from the extremities of one faction into thoſe of another. This noble freedom of the biſhop of Carliſle, inſtead of being applauded, was not ſo much as tolerated: He was immediately arreſted, by orders of the duke of Lancaſter, and ſent a priſoner to the abbey of St. Albans. No farther debate was attempted: Thirty-three long articles of charge were, in one meeting, voted againſt Richard; and voted unanimouſly by the ſame peers and prelates, who, a little before, had voluntarily and unanimouſly authorized thoſe very acts of violence, of which they now complained. That prince was depoſed by the ſuffrages of both houſes; and the throne being now vacant, the duke of Lancaſter ſtepped forth, and having croſſed himſelf on his forehead, and on his breaſt, and called upon the name of Chriſt †, he pronounced theſe words, which we ſhall give in the original language, becauſe of their ſingularity.

In the name of Fadher, Son, and Holy Ghoſt, I Henry of Lancaſter, challenge this rewme of Ynglande, and the croun, with all the membres, and the appurtenances; als I that am deſcendit by right line of the blode, coming fro the gude King Henry therde, and throge that right that God of his grace hath ſent me, with helpe of kyn, and of my frendes to recover it; the which rewme was in poynt to be ondone by defaut of governance, and ondoying of the gude lawes ‡.

IN order to underſtand this ſpeech, it muſt be obſerved, that there was a ſilly ſtory, received among ſome of the loweſt vulgar, that Edmond earl of Lancaſter,

* Sir John Heywarde, p. 101. † Cotton, p. 389. ‡ Knyghton, p. 2757.

son of Henry III. was really the elder brother of Edward I; but that, by reason of some deformities in his person, he had been postponed in the succession, and his younger brother imposed on the nation in his stead. As the present duke of Lancaster inherited from Edmond by his mother, this genealogy made him the true heir of the monarchy; and it is therefore insinuated in Henry's speech: But the absurdity was too gross to be openly avowed either by him, or by the parliament. The case is the same with regard to his right of conquest: He was a subject who rebelled against his sovereign: He entered the kingdom with a retinue of no more than sixty persons: He could not therefore be the conqueror of England; and this right is accordingly insinuated, not avowed. Still there is a third claim, derived from his merits in saving the nation from tyranny and oppression; and this claim is also insinuated: But as it seemed, by its nature, better calculated as a reason for his being *elected* King by a free choice, which he was determined never to avow, than for giving him an immediate right of possession, he durst not speak openly even on this head; and to obviate any notion of election, he challenges the crown as his due, either by acquisition or inheritance. The whole forms such a piece of jargon and nonsense, as is almost without example: No objection however was made to it in the parliament: The unanimous voice of lords and commons placed Henry on the throne: He became King, nobody could tell how or wherefore: The title of the house of Marche, formerly recognized by parliament, was neither invalidated nor repealed; but passed over in total silence: And as a concern for the liberties of the people seems to have had no hand in this revolution, their right to dispose of the government, as well as all their other privileges, was left precisely on the same footing as before. But Henry, having, when he claimed the crown, dropped some obscure hint concerning conquest, which, it was thought, might endanger these privileges, he soon after made a public declaration, that he did not thereby intend to deprive any one of his franchises or liberties *: Which was the only circumstance, that had common sense or meaning, in all these transactions. Chap. XVII. 1399.

The subsequent events discover the same headlong violence of conduct, and the same rude notions of civil government. The deposition of Richard dissolved the parliament: It was necessary to summon a new one: And Henry, in six days after, called together, without any new election, the same members; and this assembly he denominated a new parliament. They were employed in the usual task of reversing every deed of the opposite party. All the acts of the last parliament of Richard, which had been confirmed by their oaths, and by a papal bull, were abrogated: All the acts, which had passed in the parliament where 6th October.

* Knyghton, p. 2759. Otterborn, p. 220.

Chap. XVII. 1399. Gloceſter prevailed, and which had been abrogated by Richard, were again reeſtabliſhed *: The anſwers of Treſillian, and the other judges, which a parliament had annulled, but which a new parliament and new judges had approved, here received a ſecond condemnation. The peers, who had accuſed Gloceſter, Arundel and Warwic, and who had received higher titles for that piece of ſervice, were all of them degraded from their new dignities: Even the practice of proſecuting appeals in parliament was wholly aboliſhed; and trials were reſtored to the courſe of common law †. The natural effect of this conduct was to render the people giddy with ſuch rapid and perpetual changes, and to make them loſe all notions of right and wrong in the meaſures of government.

23d October. THE earl of Northumberland made a motion, in the houſe of peers, with regard to the unhappy prince whom they had depoſed. He aſked them, what advice they would give the King for the future treatment of him; ſince Henry was reſolved to ſpare his life. They unanimouſly replied, that he ſhould be impriſoned under a ſecure guard, in ſome ſecret place, and ſhould be deprived of all commerce with any of his friends or partizans. It was eaſy to foreſee, that he would not remain long alive in the hands of ſuch barbarous and ſanguinary enemies.

Murder of the King. Hiſtorians differ with regard to the manner, in which he was murdered. It was long the prevailing opinion, that ſir Piers Exton, and others of his guards, fell upon him in the caſtle of Pomfret, where he was confined, and diſpatched him with their halberts. But it is more probable, that he was ſtarved to death in priſon; and after all ſubſiſtence was denied him, he prolonged his unhappy life, it is ſaid, for a fortnight, before he reached the end of his miſeries. This account is more conſiſtent with the ſtory, that his body was expoſed in public, and that no marks of violence were obſerved upon it. He died in the thirty fourth year of his age, and the twenty-third of his reign. He left no poſterity, either legitimate or illegitimate.

His character. ALL the writers, who have tranſmitted to us the hiſtory of Richard, compoſed their works during the reigns of the Lancaſtrian princes; and candor requires, that we ſhould not give entire credit to the reproaches which have been thrown upon his memory. But after making all proper abatements, he ſtill appears to have been a weak prince, and unfit for government, leſs for want of natural parts and capacity, than of ſolid judgment and of a good education. He was violent in his temper, profuſe in his expences; fond of idle ſhow and magnificence; devoted to favourites, and addicted to pleaſure: Paſſions, all of them, the moſt inconſiſtent with a prudent œconomy, and conſequently dangerous in a limited and mixed government. Had he poſſeſſed the talents of gaining, and ſtill more

* Cotton, p. 390. † Henry iv. cap. 14.

thoſe

those of over-awing, his great barons, he might have escaped all the misfortunes of his reign, and been allowed to carry much farther his oppressions over the people, if he really was guilty of any, without their daring to rebel, or even to murmur against him. But when the grandees were tempted, by his want of prudence and of vigour, to resist his authority, and execute the most violent enterprizes upon him, he was naturally led to seek for an opportunity of retaliation; justice was neglected; the lives of the chief nobility sacrificed; and all these evils seem to have proceeded less from a settled design of establishing arbitrary power, than from the insolence of victory, and the necessities of the King's situation. The manners indeed of the age were the chief source of such violences: Laws, which were feebly observed in peaceable times, lost all their authority during public convulsions: Both parties were alike guilty: Or if any difference may be remarked between them, we shall find, that the authority of the crown, being more legal, was commonly carried, when it prevailed, to less desperate extremities, than those of the aristocracy. Chap. XVII. 1399.

On comparing the conduct and events of this reign, with those of the preceding, we shall find equal reason to admire Edward, and to blame Richard; but the circumstance of opposition, surely, will not lie in the strict regard paid by the former to national privileges, and the neglect of them by the latter. On the contrary, the prince of small abilities, as he felt his want of power, seems to have been always more moderate in this respect than the other. Every parliament, assembled during the reign of Edward, remonstrate against the exertion of some arbitrary prerogative or other: We hear not any complaints of that kind during the reign of Richard, till the assembling of his last parliament, which was summoned by his inveterate enemies, which dethroned him, which framed their complaints during the time of the most furious convulsions, and whose testimony can therefore have, on that account, much less authority with every equitable judge *. Both these princes experienced the encroachments of the Great upon their authority. Edward, reduced to necessities, was obliged to make an express bargain with his parliament, and to sell some of his prerogatives for present supply; but as they were acquainted with his genius and capacity, they ventured not to demand any exorbitant concessions, or such as were incompatible with regal and sovereign power: The weakness of Richard tempted the parliament to extort a commission, which in a manner dethroned the prince, and transferred the sceptre into the hands of the nobility. The events were also suitable to the character of each. Edward had no sooner got the supply, than he departed from the engagements, which had induced the parliament to grant it; he openly

* Compare, in this view, the abridgement of the records, by sir Robert Cotton, during these two reigns.

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told his people, that he had but *diſſembled* with them when he ſeemed to make them theſe conceſſions; and he reſumed and retained all his prerogatives. But Richard, becauſe he was detected in conſulting and deliberating with the judges on the lawfulneſs of reſtoring the conſtitution, found his barons immediately in arms againſt him; was deprived of his liberty; ſaw his favourites, his miniſters, his tutor, butchered before his face, or baniſhed and attainted; and was obliged to give way to all this violence. There cannot be a more remarkable oppoſition between the fortunes of two princes: It were happy for ſociety, that this oppoſition depended always on the juſtice or injuſtice of the meaſures which men embrace; and not rather on the different degrees of prudence and vigour, with which theſe meaſures are ſupported.

Miſcellaneous tranſactions during this reign.

There was a ſenſible decay of the authority of the eccleſiaſtics during this period. The diſguſt, which the laity had received from the numerous uſurpations both of the court of Rome, and of their own clergy, had weaned the kingdom very much from ſuperſtition; and ſtrong ſymptoms appeared, from time to time, of a general deſire to ſhake off the bondage of the Romiſh church. In the committee of eighteen, to whom Richard's laſt parliament delegated their whole power, there is not the name of one eccleſiaſtic to be found; a neglect which is almoſt without example, while the Catholic religion ſubſiſted in England *.

The averſion entertained againſt the eſtabliſhed church ſoon found principles and tenets, and reaſonings, by which it could juſtify and ſupport itſelf. John Wickliffe, a ſecular prieſt, educated at Oxford, began, in the latter end of Edward III. to ſpread the doctrines of reformation by his diſcourſes, ſermons, and writings; and he made many diſciples among men of all ranks and ſtations. He ſeems to have been a man of parts and learning; and has the honour of being the firſt perſon in Europe, who publickly called in queſtion thoſe doctrines, which had univerſally paſſed for certain and undiſputed during ſo many ages.

* The following paſſage in Cotton's abridgment, p. 196, ſhows a ſtrange prejudice againſt the church and churchmen. *The commons afterwards coming into the parliament, and making their proteſtation, ſhewed, that for want of good redreſs about the King's perſon in his houſehold, in all his courts, touching maintainers in every county, and purveyors, the commons were daily pilled and nothing defended againſt the enemy, and that it ſhould ſhortly deprive the King and undo the ſtate. Wherefore in the ſame government, they entirely require redreſs. Whereupon the King appointed ſundry biſhops, lords and nobles, to ſit in privy council about theſe matters: Who ſince that they muſt begin at the head and go at the requeſt of the commons, they in the preſence of the King charged his confeſſor not to come into the court but upon the four principal feſtivals.* We ſhould little expect that a Popiſh privy council, in order to preſerve the King's morals, ſhould order his confeſſor to be kept at a diſtance from him. This incident happened in the minority of Richard. As the popes had for a long time reſided at Avignon, and the majority of the ſacred college were Frenchmen, this circumſtance naturally encreaſed the averſion of the nation to the papal power: But the prejudice againſt the Engliſh clergy cannot be accounted for from that cauſe.

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Wickliffe himſelf, as well as his diſciples, who received the name of Wicklifites or Lollards, was diſtinguiſhed by a remarkable auſterity of life and manners; a circumſtance common to almoſt all thoſe who dogmatize in any new way, both becauſe men, who draw to them the attention of the public, and expoſe themſelves to the odium of great multitudes, are obliged to be very guarded in their conduct, and becauſe few, who have a ſtrong propenſity to pleaſure or buſineſs, will enter upon ſo difficult and laborious an undertaking. The doctrines of Wickliffe, being derived from his ſearch into the ſcriptures and into eccleſiaſtical antiquity, were nearly the ſame with thoſe propagated by the reformers in the ſixteenth century: He only carried ſome of them farther than was done by the more ſober part of theſe reformers. He denied the doctrine of the real preſence, the ſupremacy of the church of Rome, the merit of monaſtic vows: He maintained, that the ſcripture was the ſole rule of faith; that the church was dependant on the ſtate, and ought to be reformed by it; that the clergy ought to poſſeſs no eſtates; that the begging friars were a general nuiſance, and ought not to be ſupported *; that the numerous ceremonies of the church were hurtful to true piety: He aſſerted, that oaths were unlawful, that dominion was founded in grace, that every thing was ſubject to fate and deſtiny, and that all men were predeſtinated either to eternal ſalvation or reprobation †. From the whole of his doctrines, Wickliffe appears to have been ſtrongly tinctured with enthuſiaſm, and to have been thereby the better qualified to oppoſe a church, whoſe diſtinguiſhing character was ſuperſtition. Chap. XVII. 1399.

The propagation of theſe principles gave great alarm to the clergy; and a bull was iſſued by Pope Gregory XI. for taking Wickliffe into cuſtody, and examining into the ſcope of his opinions ‡. Courteney, biſhop of London, cited him before his tribunal; but the reformer had now got very powerful protectors, who ſcreened him from the eccleſiaſtical juriſdiction. The duke of Lancaſter, who then governed the kingdom, encouraged the principles of Wickliffe; and he made no ſcruple, as well as lord Piercy, the mareſchal, to appear openly in court with him, in order to give him countenance upon his trial: He even inſiſted, that Wickliffe ſhould ſit in the biſhop's preſence, while his principles were examined: Courtney exclaimed againſt this inſult: The mob of London, thinking their prelate affronted, attacked the duke and mareſchal, who eſcaped from their hands with ſome difficulty §. And the populace, ſoon after, broke into the

* Walſingham, p. 191, 208, 283, 284. Spelman concil. vol. 2. p. 630. Knyghton, p. 2657.
† Harpsfield, p. 668, 673, 674. Waldenſ. tom. 1. lib. 3. art. 1. cap. 8. ‡ Spelm. conc. vol. 2. p. 621. Walſingham, p. 201, 202, 203. § Harpsfield in Hiſt. Wickl. p. 683.

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Chap. XVII. houſes of both theſe noblemen, threatned their perſons, and plundered their goods.
1399. The biſhop of London had the merit of appeaſing their fury and reſentment.

THE duke of Lancaſter, however, ſtill continued his protection to Wickliffe, during the minority of Richard; and the principles of that reformer had ſo far propagated themſelves, that when the Pope ſent to Oxford a new bull againſt theſe doctrines, the univerſity deliberated for ſome time, whether they ſhould receive the bull; and they never took any vigorous meaſures in conſequence of the papal orders *. Even the populace of London were at length brought to entertain favourable ſentiments of this reformer: When he was cited before a ſynod at Lambeth, the mob broke into the aſſembly, and ſo overawed the prelates, who found both the people and the court againſt them, that they diſmiſſed him without any farther cenſures.

THE clergy, we may well believe, were more wanting in power than inclination to puniſh this new hereſy, which ſtruck at all their credit, poſſeſſions and authority. But there was hitherto no law in England, by which the ſecular arm was empowered to ſupport orthodoxy; and the eccleſiaſtics endeavoured to ſupply the defect by a very extraordinary and very unwarrantable artifice. In the year 1381, there was an act paſſed, enjoining ſheriffs to apprehend the preachers of hereſy and their abettors; but this ſtatute had been ſurreptitiouſly obtained by the clergy, and had the formality of an enrolment without the conſent of the commons. In the ſubſequent ſeſſion, the lower houſe complained of this fraud; affirmed, that they had no intention to bind themſelves to the prelates farther than their anceſtors had done before them; and required that the pretended ſtatute ſhould be repealed, which was done accordingly †. But it is remarkable, that, notwithſtanding this vigilance of the commons, the clergy had ſo much art and influence, that the repeal was ſuppreſſed, and the act, which never had any legal authority, remains to this day upon the ſtatute book ‡: Tho' the clergy ſtill thought proper to keep it in reſerve, and not proceed to the immediate execution of it.

BUT beſides the defect of power in the church, which ſaved Wickliffe, that reformer himſelf, notwithſtanding his enthuſiaſm, ſeems not to have been actuated by the ſpirit of martyrdom; and in all ſubſequent trials before the prelates, he ſo explained away his doctrine by tortured meanings, as to render it quite innocent and inoffenſive §. Moſt of his followers imitated his cautious diſpoſition, and ſaved themſelves either by recantations or explanations. He died of a palſy in the year 1385 at his rectory of Lutterworth in the county of Leiceſter; and the clergy, mortified that he ſhould have eſcaped their vengeance, took care,

* Wood's Ant. Oxon. lib. 1. p. 191, &c. Walſingham, p. 201. † Cotton's abridgment, p. 285. ‡ 5 Rich. II. chap. 5. § Walſingham, p. 206. Knyghton, p. 2655, 2656.

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beſides aſſuring people of his eternal damnation, to repreſent his laſt diſtemper as a viſible judgment of heaven upon him for his multiplied hereſies and impieties *. Chap. XVII. 1399.

THE proſelytes, however, of Wickliffe's opinions ſtill encreaſed in England †: Some monkiſh writers repreſent the half of the kingdom as infected by them: They were carried over to Bohemia by ſome youth of that nation, who ſtudied in Oxford: But tho' the age ſeemed ſtrongly diſpoſed to receive them, affairs were not yet fully ripe for this great revolution; and the finiſhing blow to eccleſiaſtical power was reſerved to a period of more curioſity, literature, and inclination for novelties.

MEANWHILE, the Engliſh parliament continued to check the clergy and the court of Rome by more ſober and more legal expedients. They enacted anew the ſtatute of *proviſors*, and affixed higher penalties to the tranſgreſſion of it, which, in ſome inſtances, was even made capital ‡. The court of Rome had fallen upon a new device, which encreaſed their authority over the prelates: The Pope, who found that the expedient of arbitrarily depriving them was violent and liable to oppoſition, attained the ſame end by transferring ſuch of them, as were obnoxious, to poorer ſees, and even to nominal ſees, *in partibus infidelium*. It was thus that the archbiſhop of York, and the biſhops of Durham and Chicheſter, the King's miniſters, had been treated after the prevalence of Gloceſter's faction: The good biſhop of Carliſle met with the ſame fate after the acceſſion of Henry IV. For the Pope always joined with the prevailing powers when they did not thwart his pretenſions. The parliament, in the reign of Richard, enacted a law againſt this abuſe: And the King made a general remonſtrance to the court of Rome againſt all thoſe impoſitions, which he calls *horrible exceſſes* of that court §.

It was uſual at this time for the church, that they might elude the mortmain act, to make their votaries leave lands in truſt to certain perſons, under whoſe name the clergy enjoyed the benefit of the bequeſt: The parliament alſo ſtopped the progreſs of this abuſe ‖. In the 17th of the King, the commons prayed, *that remedy might be had againſt ſuch religious perſons as cauſe their villains to marry free women inheritable, whereby the eſtate comes to thoſe religious hands by colluſion* ⸸. This was a new device of the clergy.

THE papacy was at this time ſomewhat weakened by a ſchiſm, which laſted for forty years, and gave great ſcandal to the devoted partizans of the holy ſee. After the Popes had reſided many years at Avignon, Gregory XI. was perſuaded to return to Rome; and upon his death, which happened in 1380, the Romans,

* Walſingham, p. 312. Ypod. Neuſt. p. 537. † Knyghton, p. 2663. ‡ 13 Rich. II. cap. 3. 16 Rich. II. cap. 4. § Rymer, vol. 7. p. 672. ‖ Knyghton, p. 27, 38. Cotton, p. 355. ⸸ Cotton, p. 355.

Chap. XVII. 1399. reſolute to fix, for the future, the ſeat of the papacy in Italy, beſieged the cardinals in the conclave, and conſtrained them, tho' they were moſtly Frenchmen, to elect Urban VI. an Italian, into that high dignity. The French cardinals, ſo ſoon as they recovered their liberty, fled from Rome, and proteſting againſt the forced election, choſe Robert, ſon of the count of Geneva, who took the name of Clement VII. and reſided at Avignon. All the kingdoms of Chriſtendom, according to their ſeveral intereſts and inclinations, were divided between theſe two pontiffs. The court of France adhered to Clement, and were followed by their allies, the King of Caſtile, and King of Scotland: England of courſe was thrown into the other party, and declared for Urban. Thus the appellation of *Clementines* and *Urbaniſts* diſtracted Europe for ſeveral years; and each party damned the other as ſchiſmatics, and as rebels to the true vicar of Chriſt. But this circumſtance, tho' it weakened the papal authority, had not ſo great an effect as might naturally be imagined. Tho' any King could eaſily, at firſt, make his kingdom embrace the party of one Pope or the other, or even keep it ſome time in ſuſpence between them, he could not ſo eaſily transfer his obedience at pleaſure: The people attached themſelves to their own party as to a religious opinion; and conceived an extreme abhorrence to the oppoſite party, whom they regarded at little better than Saracens or infidels. Croiſades were even undertaken in this quarrel; and the zealous biſhop of Norwich, in particular, led over, in 1382, near 60,000 bigots into Flanders againſt the Clementines; but after loſing a great part of his followers, he returned with diſgrace into England *. Each Pope, ſenſible, from this prevailing ſpirit of the people, that the kingdom, which once embraced his cauſe, would always adhere to him, boldly maintained all the pretenſions of his ſee, and ſtood not much more in awe of the ſovereigns, than if his authority had not been endangered by a rival.

We meet with this preamble to a law enacted at the very beginning of this reign: "Whereas divers perſons of ſmall garriſon of land or other poſſeſſions do "make great retinue of people, as well of eſquires as of others, in many parts of "the realm, giving to them hats and other livery of one ſuit by year, taking "again towards them the value of the ſame livery or percaſe the double value, "by ſuch covenant and aſſurance, that every of them ſhall maintain other in all "quarrels, be they reaſonable or unreaſonable, to the great miſchief and oppreſ-"ſion of the people, &c. †" This preamble contains a true picture of the ſtate of the kingdom. The laws were ſo feebly executed, even during the long, active,

* Froiſſart, lib. 2. chap. 133, 134. Walſingham, p. 298, 299, 300, &c. Knyghton, p. 2671.

† 1 Rich. II. chap. 7.

and

and vigilant reign of Edward III. that no ſubject could truſt to their protection. Men openly aſſociated themſelves, under the patronage of ſome great man, for their mutual defence. They had public badges by which their confederacy was diſtinguiſhed. They ſupported each other in all quarrels, iniquities, extortions, murders, robberies, and other crimes. Their chieftain was more their ſovereign than the King himſelf; and their own band was more connected with them than their country. Hence the perpetual turbulence, diſorders, factions, and civil wars of thoſe times: Hence the ſmall regard paid to a character or the opinion of the public: Hence the large diſcretionary prerogatives of the crown, and the danger which might have enſued from the too great limitation of them. If the King had poſſeſſed no arbitrary powers, while all the nobles aſſumed and exerciſed them, there muſt have enſued an abſolute anarchy in the ſtate. Chap. XVII. 1399.

One great miſchief, attending theſe confederacies, was the extorting from the King pardons for the moſt enormous crimes. The parliament often endeavoured, in the laſt reign, to deprive the prince of this prerogative; but in the preſent, they were contented with an abridgement of it. They enacted, that no pardon for rapes or murder from malice prepenſe ſhould be valid, unleſs the crime was particularly ſpecified in it ‖. There were alſo ſome other circumſtances required for the paſſing any pardons of this kind: An excellent law; but ill obſerved, like moſt laws, which thwart the manners of the people, and the prevailing cuſtoms of the times.

It is eaſy to obſerve, from theſe voluntary aſſociations among the people, that the whole force of the feudal ſyſtem was in a manner diſſolved, and that the Engliſh had nearly returned in that particular to the ſame ſituation in which they ſtood before the Norman conqueſt. It was indeed impoſſible, that that ſyſtem could long ſubſiſt, under the conſtant revolutions, to which landed property is every where ſubject. When the great feudal baronies were firſt erected, the lord lived in opulence in the midſt of his vaſſals: He was in a ſituation to protect and cheriſh and defend them: The quality of patron naturally united itſelf to that of ſuperior: And theſe two principles of authority mutually ſupported each other. But when, by the various diviſions and mixtures of property, a man's ſuperior came to live at a diſtance from him, and could no longer give him ſhelter or countenance; the tie gradually became more fictitious than real: New connexions from neighbourhood or other cauſes were formed: Protection was ſought by voluntary ſervices and attachment: The appearance of valor, ſpirit, ability in any great man extended his intereſt very far: And if the ſovereign was deficient in theſe

‖ 13 Rich. II. Chap. 1.

Chap. XVII. 1399. qualities, he was equally, if not more exposed to the usurpations of the aristocracy than even during the vigor of the feudal system.

THE greatest novelty introduced into the civil government during this reign was the creation of peers by patent. The lord Beauchamp of Holt was the first peer, who was advanced to the house of lords in this manner. The practice of levying benevolences is also first mentioned in this reign.

CHAP. XVIII.

HENRY IV.

Title of the King——An insurrection——An insurrection in Wales——The earl of Northumberland rebels——Battle of Shrewsbury——State of Scotland——Parliamentary transactions——Death——and character of the King.

1399. Title of the King.

THE English had so long been familiarized to the hereditary succession of their monarchy, the instances of departure from it had always born such strong symptoms of injustice and violence, and so little of a national choice or election, and the returns to the true line had ever been deemed such fortunate incidents in their history, that Henry was afraid, lest, in resting his title on the consent of the people, he should build on a foundation, to which the people themselves were not accustomed, and whose solidity they would with difficulty be brought to recognize. The idea too of choice seemed always to imply that of conditions, and a liberty of recalling the consent upon any supposed violation of them; an idea which was not naturally agreeable to a sovereign, and might be dangerous to the people themselves, who, lying so much under the influence of turbulent nobles, had ever paid but a very imperfect obedience even to their hereditary princes. For these reasons Henry was determined never to have recourse to this claim; the only one, on which his authority could consistently stand: He chose rather to patch up his title in the best manner he could from other pretensions: And in the end, he left himself, in the eyes of men of sense, no foundation of right, but his present possession; a very precarious claim, which, by

by its very nature, was liable to be overthrown by every faction of the great, or prejudice of the people. He had indeed a preſent advantage over his competitor: The heir of the houſe of Mortimer, who had been declared in parliament the true heir of the crown, was a boy of ſeven years of age *: His friends conſulted his ſafety by keeping ſilence with regard to his title: Henry detained him and his younger brother in an honourable cuſtody at Windſor caſtle: But he had reaſon to dread, that, in proportion as that nobleman grew to man's eſtate, he would draw to him the attachment of the people, and make them reflect on the fraud, violence, and injuſtice, by which he had been excluded from the throne. Many favourable topics would occur in his behalf: He was born in the country; poſſeſſed an extenſive intereſt from the greatneſs and alliances of his family; however criminal the depoſed monarch might be, this youth was entirely innocent; he was of the ſame religion, and educated in the ſame manners with the people, and could not be governed by any ſeparate intereſt: Theſe views would all concur to favour his claim; and tho' the abilities of the preſent prince might ward off any dangerous revolution, it was juſtly to be apprehended, that his authority could with difficulty be brought to equal that of his predeceſſors. Chap. XVIII. 1399.

HENRY in his very firſt parliament had reaſon to ſee the danger attending that ſtation, which he had aſſumed, and the obſtacles, which he would meet with, in governing an unruly ariſtocracy, always divided by faction, and ſtill more inflamed with the reſentments, conſequent on ſuch recent convulſions. The peers on their aſſembling broke out into violent animoſities; forty gauntlets, the gages of furious battle, were thrown on the floor of the houſe of lords by noblemen who gave mutual challenges to each other; and *liar* and *traitor* reſounded from all quarters. The King had ſo much authority with theſe doughty champions, as to prevent all the combats, which they threatened; but he was not able to bring them to a proper compoſure, or to an amicable diſpoſition towards each other.

IT was not long before theſe paſſions broke out in action. The earls of Rutland, Kent, and Huntington and lord Spencer, who were now degraded from the titles of Albemarle, Surry, Exeter, and Gloceſter, conferred on them by Richard, entered into a conſpiracy, together with the earl of Saliſbury and lord Lumley, for raiſing an inſurrection, and for ſeizing the King's perſon at Windſor †; but the treachery of Rutland gave him warning of the danger. He ſuddenly withdrew to London; and the conſpirators, who came to Windſor with a body of 500 horſe, found that they had miſſed this blow, on which all the ſucceſs of their enterprize depended. Hen- 1400. An inſurrection.

* Dugdale, vol. i. p. 151. † Walſingham, p. 362. Otterbourne, p. 224.

Chap. XVIII 1400. ry appeared, next day, at Kingſton upon Thames, at the head of 20,000 men, moſtly drawn from the city; and his enemies, unable to reſiſt his power, diſperſed themſelves, with a view of raiſing their followers in the ſeveral counties, which were the ſeat of their intereſt. But the adherents of the King were hot in the purſuit, and every where oppoſed themſelves to their progreſs. The earls of Kent and Saliſbury were ſeized at Cirenceſter by the citizens; and were next day beheaded without farther ceremony, according to the cuſtom of the times *. The citizens of Briſtol treated Spencer and Lumley in the ſame manner. The earl of Huntington, ſir Thomas Blount, Sir Benedict Sely, who were alſo taken priſoners, ſuffered death, with many others of the conſpirators, by orders from Henry. And when the quarters of theſe unhappy men were brought to London, no leſs than eighteen biſhops and thirty-four mitred abbots, joined the populace, and met them with the moſt indecent marks of joy and exultation.

But the ſpectacle the moſt ſhocking to every one, who retained any ſentiment either of honour or humanity, ſtill remained. The earl of Rutland appeared, carrying on a pole the head of lord Spencer, his brother-in-law, which he preſented in triumph to Henry, as a teſtimony of his loyalty. This infamous man, who was ſoon after duke of York by the death of his father, and firſt prince of the blood, had been inſtrumental in the murder of his uncle, the duke of Gloceſter †; had then deſerted Richard, by whom he was truſted; had conſpired againſt the life of Henry to whom he had ſworn allegiance; had betrayed his aſſociates, whom he had ſeduced into this enterprize; and now diſplayed, in the face of the world, theſe badges of his multiplied diſhonour.

Henry was ſenſible, that, tho' the execution of theſe conſpirators might ſeem
1401. to give ſecurity to his throne, the animoſities, which remain after ſuch bloody ſcenes, are always dangerous to royal authority; and he therefore determined not to encreaſe, by any hazardous enterprize, thoſe numerous enemies, with whom he was every where ſurrounded. While he was only a ſubject, he was believed to have ſtrongly imbibed all the principles of his father, the duke of Lancaſter, and to have adopted the prejudices which the Lollards inſpired againſt the abuſes of the eſtabliſhed church: But finding himſelf poſſeſſed of the throne by ſo precarious a title, he thought ſuperſtition a very neceſſary implement of public authority; and he reſolved, by every expedient, to pay court to the clergy. There were hitherto no penal laws enacted againſt hereſy; an indulgence which had nowiſe proceeded from a ſpirit of toleration in the Romiſh church, but from the ignorance and

* Walſingham, p. 363. Ypod. Neuſt. p. 556. † Dugdale, vol. ii. p. 171.

ſimplicity

ſimplicity of the people, which had rendered them unfit either for ſtarting or receiving any new or curious doctrines, and which needed not to be reſtrained by any rigorous puniſhments. But when the learning and genius of Wickliffe had once broke the fetters of prejudice, the eccleſiaſtics called aloud for the puniſhment of his diſciples; and the King, who was very little ſcrupulous in his conduct, was eaſily induced to ſacrifice his principles to his intereſt, and to acquire the favour of the church by that moſt effectual method, the gratifying their vengeance againſt all opponents. He engaged the parliament to paſs a law for this purpoſe, and it was enacted, that when any heretic, who relapſed or refuſed to abjure his opinions, was delivered over to the ſecular arm by the biſhop or his commiſſaries, he ſhould be committed to the flames by the civil magiſtrate before the whole people *. This weapon did not remain long unemployed in the hands of the clergy: William Sautre, rector of St. Oſithes in London, had been condemned by the convocation of Canterbury; his ſentence was ratified by the houſe of peers; the King iſſued his writ for the execution †; and the unhappy man attoned for his erroneous opinions by the penalty of fire. This is the firſt inſtance of that kind in England; and thus one horror more was added to thoſe diſmal ſcenes, which at that time were already but too familiar to the people.

But the utmoſt precaution and prudence of Henry could not ſhield him from thoſe numerous inquietudes, which aſſailed him from every quarter. The connexions of Richard with the royal family of France, made that court exert its activity to recover his authority, or revenge his death ‡; but tho' the confuſions of England, tempted the French to undertake ſome enterprize, by which they might diſtreſs their antient enemy, the greater confuſions, which they experienced at home, obliged them quickly to accommodate matters; and Charles, content with recovering his daughter from Henry's hands, laid aſide his preparations, and renewed the truce between the two kingdoms ‖. The attack of Guienne was alſo an inviting attempt, which the preſent factions, that prevailed among the French, obliged them to neglect. The Gaſcons, affectionate to the memory of Richard, who had been born among them, refuſed to ſwear allegiance to a prince that had uſurped his throne, and murdered his perſon; and the appearance of a French army on their frontiers, would probably have tempted them to change maſters §. But the earl of Worceſter, arriving with ſome Engliſh troops, gave countenance to the partizans of England, and over-awed their opponents. Religion too was here found a cement of their union with that kingdom. The Gaſcons had been engaged by Richard's authority to acknowlege the Pope of Rome;

* 2 Hen. IV. chap. 7. † Rymer, vol. 8. p. 178. ‡ Rymer, vol. 8. p. 123.
‖ Rymer, vol. 8. p. 142, 152, 219. § Rymer, vol. 8. 110, 111.

and

Chap. XVIII. 1401.

and they were ſenſible, that if they ſubmitted to France, it would be neceſſary for them to pay obedience to the Pope of Avignon, whom they had been taught to deteſt as a ſchiſmatic. Their principles on this head were too faſt rooted to admit of any ſudden or violent alteration.

Inſurrection in Wales.

THE revolution in England proved likewiſe the occaſion of an inſurrection in Wales. Owen Glendour, or Glendourduy, deſcended from the antient princes of that country, had become obnoxious on account of his attachments to Richard; and Reginald, lord Gray of Ruthyn, who was cloſely connected with the new King, and who poſſeſſed a great fortune in the marches of Wales, thought the opportunity favourable for oppreſſing his neighbour, and taking poſſeſſion of his eſtate *. Glendour, provoked at the injuſtice, and ſtill more at the indignity, recovered poſſeſſion by the ſword †: Henry ſent aſſiſtance to Gray ‡; the Welſh took party with Glendour: A troubleſome and tedious war was kindled, which Glendour long ſuſtained by his valour and activity, aided by the natural ſtrength of that country, and the untamed ſpirit of its inhabitants.

As Glendour committed devaſtations promiſcuouſly on all the Engliſh, he inſeſted the eſtate of the earl of Marche; and ſir Edmund Mortimer, uncle to that nobleman, led out the retainers of the family, and gave battle to the Welſh chieftain. His troops were routed, and he himſelf was taken priſoner §: At the ſame time, the earl himſelf, who had been allowed to retire to his caſtle of Wigmore, and who, tho' a mere boy, took the field with his followers, fell alſo into Glendour's hands, and was carried by him into Wales ‖. As Henry hated mortally all the family of Marche, he allowed the earl to remain in captivity; and tho' that young nobleman was nearly allied to the Piercies, to whoſe aſſiſtance he himſelf had owed his crown, he refuſed to the earl of Northumberland permiſſion to treat of his ranſom with Glendour.

THE uncertainty in which Henry's affairs ſtood for a long time with France, as well as the confuſion, incident to all great changes in government, tempted the Scots to make incurſions into England; and Henry, deſirous of taking revenge upon them, but afraid of rendering his new government unpopular by requiring great ſupplies from his ſubjects, ſummoned at Weſtminſter a council of the peers, without the commons, and laid before them the ſtate of his affairs ⊥. The military part of the feudal conſtitution was now entirely gone: There remained only ſo much of that fabric as affected the civil rights and properties of men: And the peers here *voluntarily* undertook to attend the King in an expedition againſt

* Vita Ric. ſec. p. 171, 172. † Walſing. p. 364. ‡ Vita Ric. ſec. 172, 173.
§ Dudgale, vol. 1. p. 150. ‖ Dudgale, vol. 1. p. 151. ⊥ Rymer, vol. 8. p. 125, 126.

Scotland, each of them at the head of a certain number of his retainers *. Henry conducted this army to Edinburgh, of which he eaſily took poſſeſſion; and he there ſummoned Robert III. to do homage to him for his crown †. But finding, that the Scots would neither ſubmit nor give him battle, he returned in three weeks, after making this uſeleſs bravado; and he diſperſed his army. Chap. XVIII. 1401.

In the ſubſequent ſeaſon, Archibald earl of Douglas, at the head of 12,000 men, and attended by many of the principal nobility, made an irruption into England, and committed devaſtations on the northern counties. On his return home, he was overtaken by the Piercies, at Homeldon on the borders of England, and a fierce battle enſued, where the Scots were totally routed. Douglas himſelf was taken priſoner; as was Mordac earl of Fife, ſon of the duke of Albany, and nephew of the Scots King, with the earls of Angus, Murray, and Orkney, and many others of the Scots gentry and nobility ‡. When Henry received intelligence of this victory, he ſent the earl of Northumberland orders not to ranſom his priſoners, which that nobleman regarded as his right, by the laws of war, that prevailed in that age. The King intended to detain them, that he might be able by their means to make an advantageous peace with Scotland; but by this policy he gave a new cauſe of diſguſt to the family of Piercy. 1402.

The obligations, which Henry had owed to the earl of Northumberland, were of a kind the moſt likely to produce ingratitude on the one ſide, and diſcontent on the other. The prince naturally became jealous of that power, which had advanced him to the throne; and the ſubject was not eaſily ſatisfied in the returns, which he thought ſo great a favour had merited. Tho' Henry, on his acceſſion, had beſtowed the office of conſtable on Northumberland for life §, and conferred other gifts on that family, theſe favours were regarded as their due; the refuſal of any other requeſt was deemed an injury. The impatient ſpirit of Harry Piercy, and the factious diſpoſition of the earl of Worceſter, younger brother of Northumberland, inflamed the diſcontents of that nobleman; and the precarious title of Henry tempted him to ſeek revenge, by overturning that throne, which he had at firſt eſtabliſhed. He entered into a correſpondence with Glendour: He gave liberty to the earl of Douglas, and made an alliance with that martial chieftain: He rouzed up all his partizans to arms; and ſuch unlimited authority at that time belonged to the great families, that the ſame men, whom, a few years before, he had conducted againſt Richard, now followed his ſtandard in oppoſition 1403. The earl of Northumberland rebels.

* Rymer, vol. 8. p. 125. † Rymer, vol. 8. p. 155, 156, &c. ‡ Walſing. p. 366. Vita Ric. ſec. p. 180. Chron. Otterburne, p. 237. § Rymer, vol. 8. p. 83.

to

Chap. XVIII. 1403. to Henry. When the war was ready to break out, Northumberland was seized with a sudden illness at Berwic; and young Piercy, taking the command of the troops, marched towards Shrewsbury, in order to join his forces with those of Glendour. The King had happily a small army on foot, with which he had intended to act against the Scots; and knowing the importance of celerity in all civil wars, he instantly hurried down, that he might give battle to the rebels. He approached Piercy near Shrewsbury, before that nobleman was joined by Glendour; and the policy of the one leader, and impatience of the other, soon brought on a general engagement.

The evening before the battle, Piercy sent a manifesto to Henry, in which he renounced his allegiance, set that prince at defiance, and in the name of his father and uncle, as well as his own, enumerated all the grievances of which the nation had reason to complain. He represented the perjury, of which Henry had been guilty, when, on landing at Ravenspur, he had sworn upon the gospels, before the earl of Northumberland, that he had no other intention but to recover possession of the dutchy of Lancaster, and that he would ever remain a faithful subject to King Richard. He aggravated his guilt in first dethroning and then murdering that prince, and in usurping on the title of the house of Mortimer, to whom, both by lineal succession, and by declarations of parliament, the throne, when vacant by Richard's death, did of right belong. He complained of the cruel policy, in allowing the young earl of Marche, whom he ought to regard as his sovereign, to remain a captive in the hands of his enemies, and in even refusing to all his friends permission to treat of his ransom. He charged him again with perjury in loading the nation with heavy taxes, after having sworn that, without the utmost necessity, he would never levy any impositions upon them. And he reproached him with the arts employed in procuring favourable elections into parliament; arts, which he himself had before imputed to Richard, and which he had made one chief reason of that prince's arraignment and deposition *. This manifesto was very well calculated to inflame the quarrel between the parties: The bravery of the two leaders, promised an obstinate engagement: And the equality of the armies, being each about 12,000 men, a number which rendered them not unmanageable by the commanders, gave reason to expect a great effusion of blood on both sides, and a very doubtful issue to the combat.

21st July. Battle of Shrewsbury. We shall scarcely find any battle in those ages, where the shock was more terrible and more constant. Henry exposed his person in the thickest of the fight: His gallant son, whose military feats became afterwards so famous, and who here performed his apprenticeship in arms, signalized himself on his father's footsteps,

* Hall, fol. 21, 22, &c.

and

and even an wound, which he received on the face with an arrow, could not oblige him to quit the field *. Piercy ſupported that renown, which he had acquired in ſo many bloody combats. And Douglas, his antient enemy and now his friend, ſtill appeared his rival, amidſt the horror and confuſion of the day. This nobleman performed acts of valour, which are almoſt incredible: He ſeemed determined that the King of England ſhould fall that day by his arm: He ſought him all over the field of battle: And as Henry, either to elude the attacks of the enemy upon his perſon, or to encourage his own men by the belief of his preſence every where, had accoutered ſeveral captains in the royal garb, the ſword of Douglas rendered this honour fatal to many †. But while the armies were contending in this furious manner, the death of Piercy, by an uncertain hand, decided the victory, and the royaliſts prevailed. There are ſaid to have fallen that day on both ſides near two thouſand three hundred gentlemen; but the perſons of greateſt diſtinction were on the King's; the earl of Stafford, Sir Hugh Shirley, Sir Nicholas Gauſel, Sir Hugh Mortimer, Sir John Maſſey, Sir John Calverley. About ſix thouſand private men periſhed, of whom two thirds were of Piercy's army ‡. The earls of Worceſter and Douglas were taken priſoners: The former was beheaded at Shrewſbury; the latter was treated with the courteſy, which was due to his rank and merit. Chap. XVIII. 1403.

THE earl of Northumberland, having recovered his health, had levyed an army, and was on his march to join his ſon; but being oppoſed by the earl of Weſtmoreland, and hearing of the event of the battle at Shrewſbury, he diſmiſſed his forces, and came with a ſmall retinue to the King at York §. He pretended, that his ſole intention in arming was to mediate between the two parties: Henry thought proper to accept the apology, and even granted him a pardon for his offence: All the other rebels were treated with equal lenity; and except the earl of Worceſter and Sir Richard Vernon, who were regarded as the chief authors of the inſurrection, no perſon, engaged in this dangerous deſign, ſeems to have periſhed by the hands of the executioner ‖.

BUT Northumberland, tho' he had been pardoned, knew, that he never ſhould be truſted, and that he was too powerful to be cordially forgiven by a prince, whoſe ſituation gave him ſuch reaſonable grounds of jealouſy. It was the effect either of Henry's vigilance or good fortune, or of the narrow genius of his enemies, that no proper concert was ever formed among them: They roſe in rebellion one after another; and thereby afforded him an opportunity of ſuppreſ- 1405.

* T. Livii, p. 3. † Walſingham, p. 366, 367. Hall. fol. 22. ‡ Chron. Otterb. p. 224. Ypod Neuſt. p. 560. § Otterbourne, p. 225. ‖ Rymer, vol. 8. p. 353.

Chap. XVIII. 1403. sing singly those insurrections, which, had they been united, might have proved fatal to his throne. The earl of Nottingham, son to the duke of Norfolk, and the archbishop of York, brother to the earl of Wiltshire, whom Henry, then duke of Lancaster, had beheaded at Bristol, tho' they had remained quiet, while Piercy was in the field, still harboured in their breast a violent hatred against the enemy of their families; and they determined, in conjunction with the earl of Northumberland, to seek revenge against him. They betook themselves to arms before that powerful nobleman was prepared to join them; and publishing a manifesto, in which they reproached Henry with his usurpation of the crown and the murder of the late King, they required, that the right line should be restored, and all public grievances be redressed. The earl of Westmoreland, whose power lay in the neighbourhood, approached them with an inferior force at Shipton near York; and being afraid to hazard a battle, he attempted to subdue them by an artifice, which nothing but the greatest folly and simplicity on their part could have rendered successful. He desired a conference with the archbishop and earl between the two armies: He heard their grievances with great patience: He begged them to propose the remedies: He approved of every thing which they suggested: He granted them all their demands: He also engaged that Henry should give them entire satisfaction: And when he saw them pleased with the facility of his concessions, he observed to them, that, since amity was now in effect restored between them, it were better on both sides to dismiss their forces, which otherwise would prove an insupportable burthen to the country. The archbishop and the earl of Nottingham immediately issued orders to that purpose: Their troops disbanded upon the field: But Westmoreland, who had secretly issued contrary orders to *his* army, seized the two rebels without resistance, and carried them to the King, who was advancing with hasty marches to suppress the rebellion *. The trial and punishment of an archbishop might have proved a very troublesome and dangerous undertaking, had Henry proceeded regularly, and allowed time for an opposition to form itself against that unusual measure. The celerity of the execution alone could here render it safe and prudent. Finding that Sir William Gascoigne, the chief justice, made some scruple of acting on this occasion, he appointed Sir William Fulthorpe a judge for that purpose; who, without any indictment, trial or defence, pronounced sentence of death upon the prelate, which was instantly executed. This was the first instance in England of a capital punishment inflicted on a bishop; whence the clergy of that rank might learn, that their crimes, as well as those of Laics, were not to pass with impuni-

* Walsingham, p. 373. Otterbourne, p. 255.

ty. The earl of Nottingham was condemned and executed in the ſame ſummary manner: But tho' many other perſons of condition, ſuch as the lord Falconberge, Sir Ralph Haſtings, Sir John Colville, were engaged in this rebellion, no more ſeem to have fallen victims to Henry's ſeverity. Chap. XVIII. 1405.

THE earl of Northumberland, on receiving this intelligence, fled into Scotland, together with lord Bardolf*; and the King, without oppoſition, reduced all the caſtles and fortreſſes, belonging to theſe noblemen. He thence turned his arms againſt Glendour, over whom his ſon, the prince of Wales, had obtained ſome advantages: But that enemy, more troubleſome than dangerous, ſtill found means of defending himſelf in his faſtneſſes, and of eluding, tho' not reſiſting, all the force of England. In a ſubſequent ſeaſon, the earl of Northumberland 1407.
and lord Bardolf, impatient of their exile, entered the north, in hopes of raiſing the people to arms; but found the country in ſuch a poſture as rendered all their attempts unſucceſsful. Sir Thomas Rokeſby, ſheriff of Yorkſhire, levied ſome forces, attacked the invaders at Bramham, and gained a victory, in which both Northumberland and Bardolf were ſlain†. This proſperous event, joined to the death of Glendour, which happened ſoon after, freed Henry from all his domeſtic enemies; and this prince, who had mounted the throne by ſuch unjuſtifiable methods, and held it by ſuch an exceptionable title, had yet, by his valour, prudence, and addreſs, accuſtomed his people to the yoke, and had obtained a greater aſcendant over his haughty barons, than the law alone, not ſupported by theſe active qualities, was ever able to confer.

ABOUT the ſame time, fortune gave Henry an advantage over that neighbour, who, by his ſituation, was beſt enabled to diſturb his government. Robert the third King of Scots, was a prince, tho' of ſlender capacity, extremely innocent and inoffenſive in his conduct: But Scotland, ſtill leſs than England, was at that time fitted for cheriſhing, or even enduring, ſovereigns of that character. The duke of Albany, Robert's brother, a prince of more abilities, at leaſt of a more boiſterous and violent diſpoſition, had aſſumed the government of the ſtate; and not ſatisfied with preſent authority, he entertained the criminal purpoſe of extirpating his brother's children, and of acquiring the crown to his own family. He threw in priſon David, his eldeſt nephew; who there periſhed with hunger: James alone, the younger brother of David, ſtood between that tyrant and the throne; and King Robert, ſenſible of his ſon's danger, embarked him on board a ſhip, with a view of ſending him into France, and entruſting him to the protection of that friendly power. Unfortunately, the veſſel was taken by the Engliſh; prince James, a boy about nine years of age, was carried to London;

* Walſingham, p. 374. † Walſingham, p. 377. Chron. Otterb. p. 261.

Chap. XVIII. 1407. and tho' there ſubſiſted a truce at that time between the two kingdoms, Henry conſtantly refuſed to reſtore the young prince to his liberty. Robert, worn out with cares and infirmities, was unable to bear the ſhock of this laſt misfortune; and he ſoon after died, leaving the government in the hands of the duke of Albany *. Henry was now more ſenſible than ever of the importance of the acquiſition, which he had made: While he retained ſuch a pledge in his hands, he was ſure of keeping the duke of Albany in dependance; or if offended, he could eaſily, by reſtoring the true heir, take ample revenge upon the uſurper. But tho' the King, by detaining James in the Engliſh court, had ſhown himſelf ſomewhat deficient in generoſity, he made ample amends by giving that prince an excellent education, which afterwards qualified him, when he mounted the throne, to reform, in ſome meaſure, the rude and barbarous manners of his native country.

THE hoſtile diſpoſitions, which always prevailed between France and England, were reſtrained, during the greateſt part of this reign, from appearing in action. The jealouſies and civil commotions, with which both nations was diſturbed, kept each of them from taking advantage of the unhappy ſituation of its neighbour. But as the abilities and good fortune of Henry had been able ſooner to compoſe the Engliſh factions, this prince began, in the latter part of his reign, to look abroad, and to foment the animoſities between the families of Burgundy and Orleans, by which the government of France was, during that period, ſo much diſtracted. He knew, that one great ſource of the national diſcontent againſt his predeceſſor was the inactivity of his reign; and he hoped, by giving a new direction to the reſtleſs and unquiet ſpirits of his people, to prevent their breaking
1411. out in domeſtic wars and diſorders. That he might join policy to force, he firſt entered into treaty with the duke of Burgundy, and ſent that prince a ſmall body of troops, which ſupported him againſt his enemies †. Soon after, he hearkened to more advantageous propoſals made him by the duke of Orleans,
1412. and diſpatched a greater body to ſupport that party ‡. But the leaders of the oppoſite factions having made a temporary accommodation of their differences, the intereſts of the Engliſh were ſacrificed; and this effort of Henry proved, in the iſſue, entirely vain and fruitleſs. The declining ſtate of his health and the ſhortneſs of his reign, prevented him from renewing the attempt, which his more fortunate ſon carried to ſo great a length againſt the French monarchy.

Parliamentary tranſactions. SUCH were the military and foreign tranſactions of this reign: The civil and parliamentary are ſomewhat more memorable; and more worthy of our attention. During the two laſt reigns, the elections of the commons had appeared a circumſtance of government not to be neglected; and Richard was even accuſed of uſ-

* Buchanan, lib. 10. † Walſingham, p. 380. ‡ Rymer, vol. 8. p. 715, 738.

ing unwarrantable methods for procuring to his partizans a ſeat in that houſe. This practice formed one conſiderable article of charge againſt him in his depoſition; yet Henry ſcrupled not to tread in his footſteps, and to encourage the ſame abuſes in elections. Laws were enacted againſt ſuch undue influence, and even a ſheriff was puniſhed for an iniquitous return, which he had made *: But laws commonly were, at that time, very ill executed; and the liberties of the people, ſuch as they were, ſtood on a ſurer baſis than on laws and parliamentary elections. Tho' the houſe of commons was little able to withſtand the violent currents, which perpetually ran between the monarchy and the ariſtocracy, and that houſe might eaſily be brought, at a particular time, to make the moſt unwarrantable conceſſions to either; the general inſtitutions of the ſtate ſtill remained invariable; the intereſts of the ſeveral members continued on the ſame footing; the ſword was in the hands of the ſubject; and the government, tho' thrown into temporary diſorders, ſoon ſettled itſelf on its antient foundations. Chap. XVIII. 1412.

DURING the greateſt part of this reign, the King was obliged to court popularity; and the houſe of commons, ſenſible of their own importance, began to aſſume powers, which had not uſually been exerciſed by their predeceſſors. In the firſt ſeſſion of this reign, they procured a law, that no judge, in concurring with any iniquitous meaſure, ſhould be excuſed by pleading the orders of the King, or even the danger of his own life from the menaces of the ſovereign †. In the ſecond year of Henry, they inſiſted on maintaining the practice of not granting any ſupply before they received an anſwer to their petitions; which was a tacit method of bargaining with the prince ‡. In the fifth year, they deſired the King to remove from his houſehold four officers, who had diſpleaſed them, among whom was his own confeſſor; and Henry, tho' he told them, that he knew of no offence, which theſe perſons had committed, yet, in order to gratify them, complied with their requeſt ‖. In the ſixth year, they voted the King ſupplies, but appointed treaſurers of their own, to ſee the money diſburſed for the purpoſes intended, and required them to deliver in their accounts to the houſe §. In the eighth year, they propoſed thirty very important articles for the regulation of the government and houſehold, which were all granted them; and they even obliged all the members of council, all the judges, and all the officers of the houſehold, to ſwear to the obſervance of them ⊣. The abridger of the records obſerves the unuſual liberties taken by the ſpeaker and the houſe during this period *. But the great authority of the commons was but a temporary advantage ariſing from the preſent ſituation. In a ſubſequent parliament, when the ſpeaker made

* Cotton, p. 429. † Cotton, p. 364. ‡ Cotton, p. 406. ‖ Cotton, p. 426. § Cotton. p. 438. ⊣ Cotton, p. 456, 457. * Cotton, p. 462.

his

Chap. XVIII. 1412. his cuſtomary applications to the throne for liberty of ſpeech, the King, having now overcome all his domeſtic difficulties, plainly told him, that he would have no novelties introduced, and would enjoy his prerogatives. But on the whole, the limitations of the government ſeem to have been more ſenſibly felt, and more carefully maintained by Henry than by any of his predeceſſors.

DURING this reign, when the houſe of commons were, at any time, brought to make unwary conceſſions to the crown, they alſo ſhowed their freedom by a very ſpeedy retractation of them. Henry, tho' he entertained a perpetual and well-grounded jealouſy of the family of Mortimer, allowed not their name to be once mentioned in parliament; and as none of the rebels had ventured to declare the earl of Marche King, he never attempted to procure, what would not have been refuſed him, an expreſs declaration againſt the claim of that nobleman; becauſe he knew that ſuch a declaration, in the preſent circumſtances, would have no authority, and would only ſerve to revive the memory of Mortimer's title in the minds of the people. He proceeded in his purpoſe after a more artful and covert manner. He procured a ſettlement of the crown on himſelf and his heirs-male *, thereby tacitely excluding the females, and transferring the Salic law to the Engliſh government. He thought, that, tho' the houſe of Plantagenet had at firſt derived their title from females, this was a remote event, unknown to the generality of the people; and if he could once accuſtom the nation to the practice of excluding women, the title of the earl of Marche would gradually be forgot and neglected by them. But he was very unfortunate in this attempt. During the long conteſts with France, the injuſtice of the Salic law had been ſo much exclaimed againſt by the nation, that a contrary principle had taken deep root in the minds of men, and it was now become impoſſible to eradicate it. The ſame houſe of commons, therefore, in a ſubſequent ſeſſion, apprehenſive that they had overturned the foundations of the Engliſh government, and that they had opened the door to more civil wars than might enſue even from the irregular advancement of the houſe of Lancaſter, applied with ſuch earneſtneſs for a new ſettlement of the crown, that Henry yielded to their requeſt, and agreed to the ſucceſſion of the princeſſes of his family †. A certain proof, that no-body was, in his heart, ſatisfied with the King's title to the crown, or knew on what principle to reſt it.

BUT tho' the commons, during this reign, ſhowed a very laudable zeal for liberty in their tranſactions with the crown; their efforts againſt the church were ſtill more extraordinary, and ſeemed to anticipate very much on the ſpirit which became ſo general in little more than a century afterwards. I know, that the credit

* Cotton, p. 454. † Rymer, vol. 8. p. 462.

of

of these passages rests entirely on one antient historian *; but that historian was contemporary, was a churchman, and it was contrary to the interests of his order to preserve the memory of such transactions, much more to forge precedents, which posterity might, some time, be tempted to imitate. This is a truth so evident, that the most likely way of accounting for the silence of the records on this head, is by supposing, that the authority of some churchmen was so great as to procure a razure, with regard to these circumstances, which the indiscretion of one of that order has happily preserved to us. Chap. XVIII. 1412.

In the sixth of Henry, the commons, who had been required to grant supplies, proposed in plain terms to the King, that he should seize all the temporalities of the church, and employ them as a perpetual fund to serve the exigencies of the state. They insisted, that the clergy possessed a third of the lands of the kingdom; that they contributed nothing to the support of the public burdens; and that their exorbitant riches tended only to disqualify them for performing their ministerial functions with proper zeal and attention. When this address was presented, the archbishop of Canterbury, who then attended the King, objected, that the clergy, tho' they went not in person to the wars, sent their vassals and tenants in all cases of necessity; while at the same time, they themselves, who staid at home, were employed, night and day, in offering up their prayers for the happiness and prosperity of the state. The speaker smiled, and replied without reserve, that he thought the prayers of the church but a very slender supply. The archbishop, however, prevailed in the dispute: The King discouraged the application of the commons: And the lords rejected the bill which the lower house had framed for despoiling the church of her revenues †.

The commons were not discouraged by this repulse: In the eleventh of the King they returned to the charge with more zeal than before: They made a calculation of all the ecclesiastical revenues, which, by their account, amounted to 485,000 marks a year, and included 18,400 ploughs of land. They proposed to divide this riches among fifteen new earls, 1500 knights, 6000 esquires, and a hundred hospitals; besides 20,000 pounds a-year which the King might take for his own use: And they insisted, that the clerical functions would be better performed than at present, by 15,000 parish priests, at the rate of seven marks a piece of yearly stipend ‡. This application was accompanied with an address for mitigating the statutes enacted against the Lollards, which shows from what source the address came. The King gave the commons a severe reply, and

* Walsingham. † Walsingham, p. 371. Ypod Neust. p. 563.
‖ Walsingham, p. 379. Tit. Livius.

farther

Chap. XVIII. farther to satisfy the church, and to prove that he was quite in earnest, he ordered a Lollard to be burned before the dissolution of the parliament *.

1413. We have now related almost all the memorable transactions of this reign, which was busy and active; but produced few events, that deserve to be transmitted to posterity. The King was so much employed in defending his crown, which he had obtained by such unwarrantable means, and possessed by so bad a title, that he had little leisure to look abroad, or perform any actions, which might redound to the honour or advantage of the nation. His health declined visibly some months before his death: He was subject to fits, which bereaved him, for the time, of his senses: And tho' he was yet in the flower of his age, his end was visibly approaching. He expired at Westminster in the forty-sixth year of his age, and the thirteenth of his reign.

20th March. Death

and character of the King.

The great popularity, which Henry enjoyed before he attained the crown, and which had so much aided him in the acquisition of it, was entirely lost many years before the end of his reign; and he governed his people more by terror than by affection, more by his own policy than by their sense of duty or allegiance. When men came to reflect in cool blood on the crimes which had led him to the throne; the rebellion against his prince; the deposition of a lawful King guilty sometimes perhaps of oppression, but more frequently of imprudences; the exclusion of the true heir; the murder of his sovereign and near relation; these were such enormities as drew on him the hatred of his subjects, sanctified all the rebellions against him, and made the executions, tho' not remarkably severe, which he found necessary for the maintenance of his authority, appear cruel as well as iniquitous to the people. Yet without pretending to apologize for these crimes, which must ever be held in detestation, it may be remarked, that he was insensibly led into this blameable conduct by a train of incidents, which few men possess virtue enough to withstand. The injustice with which his predecessor had treated him, in first condemning him to banishment, and then despoiling him of his patrimony, made him naturally think of revenge, and of recovering his lost rights; the headlong zeal of the people hurried him into the throne; the care of his own security, as well as his ambition, made him an usurper; and the steps have always been so few between the prisons of princes and their graves, that we need not wonder if Richard's fate was no exception to the general rule. All these considerations make Henry's situation, if he retained any sense of virtue, very much to be lamented; and the inquietude with which he possessed his envied greatness, and the remorses, by which it is said he was continually haunted, render him

* Rymer, vol. 8. p. 627. Otterbourne, p. 267.

an

an object of our pity, even when seated upon the throne. But it must be owned, that his prudence and vigilance and foresight, in maintaining his power, were admirable: His command of temper remarkable: His courage, both military and political, without blemish: And he possessed many qualities, which fitted him for his high station, and which rendered his usurpation of it, tho' pernicious in after times, rather salutary, during his own reign, to the English nation. Chap. XVIII. 1412.

HENRY was twice married: By his first wife, Mary de Bohun, daughter and heir of the earl of Hereford, he had four sons, Henry, his successor in the throne, Thomas duke of Clarence, John duke of Bedford, and Humphrey duke of Gloucester; and two daughters, Blanche and Philippa, the former married to the duke of Bavaria, the latter to the King of Denmark. His second wife, Jane, whom he married after he was King, and who was daughter to the King of Navarre, and widow of the duke of Brittany, brought him no issue.

CHAP. XIX.

HENRY V.

The King's former diſorders——His reformation——The Lollards——Puniſhment of lord Cobham——State of France——Invaſion of that kingdom——Battle of Azincour——State of France——New invaſion of France——Aſſaſſination of the duke of Burgundy——Treaty of Troye——Marriage of the King——His death——And character——Miſcellaneous tranſactions during this reign.

Chap. XIX. 1413. The King's former diſorders.

THE many jealouſies, to which Henry IV's ſituation naturally expoſed him, had ſo infected his temper, that he had been perſuaded to entertain unreaſonable ſuſpicions with regard to the fidelity of his eldeſt ſon; and during the latter years of his life, he had excluded that prince from all ſhare in public buſineſs, and was even diſpleaſed to ſee him at the head of armies, where his martial talents, tho' uſeful to the ſupport of government, acquired him a renown, which, he thought, might prove dangerous to his own authority. The active ſpirit of young Henry, reſtrained from its proper exerciſe, broke out in extravagancies of every kind; and the riot of pleaſure, the frolics of debauchery, the outrage of wine, filled the vacancies of a mind, better adapted to the purſuits of ambition, and the cares of government. This courſe of life threw him among companions, whoſe diſorders, if accompanied with ſpirit and humour, he ſeconded and indulged; and he was detected in many ſallies, which, to ſeverer eyes, appeared totally unworthy of his rank and ſtation. There even remains a tradition, that, when heated with liquor and jollity, he ſcrupled not to accompany them in attacking the paſſengers on the ſtreets and highways, and deſpoiling them of their goods; and he found an amuſement in the incidents, which the terror and regret of theſe defenceleſs people produced on ſuch occaſions. This extreme of diſſoluteneſs proved equally diſagreeable to his father, as that eager application to buſineſs, which had at firſt given him occaſion of jealouſy; and he ſaw in his ſon's behaviour the ſame neglect of decency, the ſame attachment to low company, which had deſtroyed the perſonal character of Richard, and which, more than all his errors in government, had tended to overturn his throne. But the nation in

general considered the young prince with more indulgence; and observed so many gleams of generosity, spirit, and magnanimity, breaking continually thro' the cloud, which a wild conduct threw over his character, that they never ceased hoping for his amendment, and ascribed all the weeds, which shot up in that rich soil, to the want of proper culture and attention in the King and his ministers. There passed an event which encouraged these agreeable views, and gave much occasion for favourable reflexions to all men of sense and candor. A riotous companion of the prince's had been indicted before Gascoigne, the chief justice, for some disorders; and Henry was not ashamed to appear at the bar with the criminal, in order to give him countenance and protection. Finding, that his presence had not over-awed the chief justice, he proceeded to insult that magistrate on his tribunal; but Gascoigne, mindful of the character which he then bore, and the majesty of the sovereign and of the laws, which he sustained, ordered the prince to be carried to prison for his rude behaviour *. The spectators were agreeably disappointed, when they saw the heir of the crown submit peaceably to this sentence, make reparation for his error by acknowledging it, and check his impetuous nature in the midst of its extravagant career. Chap. XIX. 1413.

THE memory of this incident, and of many others of a like nature, rendered the prospect of the future reign no wise disagreeable to the nation, and encreased the joy, which the death of so unpopular a prince as his father, naturally occasioned. The first steps taken by the young King confirmed all those prepossessions, entertained in his favour †. He called together his former companions, acquainted them with his intended reformation, exhorted them to imitate his example, but strictly inhibited them till they had given proofs of their sincerity in this particular, to appear any more in his presence; and he thus dismissed them with liberal presents ‡. The wise ministers of his father, who had checked his riots, found that they had unknowingly been paying the highest court to him; and were received with all the marks of favour and confidence. The chief justice himself, who trembled to approach the royal presence, met with praises, instead of reproaches, for his past conduct, and was exhorted to persevere in the same rigorous and impartial execution of the laws. The surprize of those, who expected an opposite behaviour, augmented their satisfaction; and the character of the young King appeared brighter than if it had never been shaded by any errors. His reformation.

BUT Henry was anxious not only to repair his own misconduct, but also to make amends for those iniquities, into which policy or the necessity of affairs had betrayed his father. He expressed the deepest sorrow for the fate of the unhap-

* Hall, fol. 33. † Walsing. p. 382. ‡ Hall, fol. 33. Hollingshed, p. 543. Goodwin's Life of Henry V. p. 1.

Chap. XIX. 1413. py Richard, did juſtice to the memory of that unfortunate prince, even performed anew his funeral obſequies with pomp and ſolemnity, and cheriſhed all thoſe who had diſtinguiſhed themſelves by their loyalty and attachment towards him *. Inſtead of continuing the reſtraints which the jealouſy of his father had impoſed on the earl of Marche, he received that young nobleman with ſingular courteſy and favour; and by this magnanimity ſo gained on the gentle and unambitious nature of his rival, that he remained ever after ſincerely attached to him, and gave him no diſturbance in his future government. The family of Piercy was reſtored to its fortune and honours †. The King ſeemed ambitious to bury all party diſtinctions in oblivion: The inſtruments of the preceding reign, who had been advanced from their blind zeal for the Lancaſtrian intereſt, more than from their merits, gave place every where to men of more honourable characters: Virtue ſeemed now to have an open career, in which it might exert itſelf: The exhortations, as well as example, of the prince gave it encouragement: All men were unanimous in their attachment to Henry; and the defects of his title were forgot, amidſt the perſonal regard, which was univerſally paid to him.

The Lollards. THERE remained among the people only one party diſtinction, which was derived from religious differences, and which, as it is of a peculiar and commonly a very obſtinate nature, the popularity of Henry was not able to overcome. The Lollards were every day encreaſing in the kingdom, and were become a formed party, which appeared extremely dangerous to the church, and even formidable to the civil authority ‡. The enthuſiaſm by which theſe ſectaries were generally actuated, the great alterations which they pretended to introduce, the hatred which they expreſſed againſt the eſtabliſhed hierarchy, gave an alarm to Henry, who, either from a ſincere attachment to the antient religion, or from the dread of the unknown conſequences, which attend all important changes, was determined to execute the laws againſt ſuch bold innovators. The head of this ſect was Sir John Oldcaſtle, lord Cobham, a nobleman, who had diſtinguiſhed himſelf by his valour and his military talents, and had, on many occaſions, acquired the eſteem both of the late and of the preſent King ‖. His high character and his zeal for the new ſect pointed him out to Arundel, Archbiſhop of Canterbury, as the proper victim of eccleſiaſtical ſeverity; whoſe puniſhment would ſtrike a terror into the whole party, and teach them that they muſt expect no mercy under the preſent adminiſtration. He applied to Henry for a permiſſion to indict lord Cob-

* Hiſt. Croyland. contin. Hall. fol. 34. Holingſhed. p. 544. † Holingſhed, p. 545.
‡ Walſingham, p. 382. § Walſingham, p. 382.

ham;

ham *; but the generous nature of that prince was averſe to ſuch ſanguinary methods of converſion. He repreſented to the primate, that reaſon and conviction were the beſt expedients for ſupporting truth; that every gentle means ought firſt to be tried, in order to reclaim men from error; and that he himſelf would endeavour, by a converſation with Cobham, to reconcile him to the Catholic faith. But he found that nobleman obſtinate in his opinions, and determined not to ſacrifice truths of ſuch infinite moment to his complaiſance for ſovereigns †. Henry's principles of toleration, or rather his love of the practice, could carry him no farther; and he then gave full reins to eccleſiaſtical ſeverity againſt this inflexible hereſiarch. The primate indicted Cobham; and with the aſſiſtance of his three ſuffragans, the biſhops of London, Wincheſter, and St. David's, condemned him to the flames for his erroneous opinions. Cobham, who was confined to the Tower, made his eſcape before the day of his execution. The bold ſpirit of this man, provoked by perſecution and ſtimulated by zeal, was urged to attempt the moſt criminal enterprizes; and his unlimited authority over the ſect proved, that he well merited the attention of the civil magiſtrate. He formed in his retreat very violent deſigns againſt his enemies; and diſpatching his emiſſaries to all quarters, appointed a general rendezvous of the party, in order to ſeize the perſon of the King at Eltham, and put their perſecutors to the ſword ‡. Henry, apprized of their intention, removed to Weſtminſter: Cobham was not diſcouraged by this diſappointment; but changed the place of rendezvous to the fields near St. Giles: The King, having ſhut the gates of the city, to prevent any conjunction from that quarter, came into the fields in the night-time, ſeized ſuch of the conſpirators as appeared, and afterwards laid hold of the ſeveral parties, who were haſtening to the place appointed. It appeared, that few were in the ſecret of the conſpiracy: The reſt implicitely followed their leaders: But upon the trial of the priſoners, the treaſonable deſigns of the ſect were rendered certain, both from evidence and from the confeſſion of the criminals themſelves §. Some were executed; the greater number pardoned ‖. Cobham himſelf, who made his eſcape by flight, was not brought to juſtice, till four years after; when he was hanged as a traitor; and his body was burnt on the gibbet, in execution of the ſentence pronounced againſt him as a heretic ⸸. This criminal deſign, which was perhaps ſomewhat aggravated by the clergy, brought diſcredit upon the party, and checked the progreſs of that ſect, which had embraced the ſpeculative doctrines of Wickliffe, and at the ſame time aſpired to a reformation of eccleſiaſtical abuſes.

Chap. XIX. 1413.

1414. 6th January.

Puniſhment of lord Cobham.

* Fox's Acts and Monuments, p. 513. † Rymer, vol. 9. p. 61. Walſingham, p. 383.
‡ Walſingham, p. 385. § Cotton, p. 554. Hall, fol. 35. Holingſhed, p. 544.
‖ Rymer, vol. 9. p. 119, 129, 193. ⸸ Walſingham, p. 400. Otterbourne, p. 280. Hollingſhed, p. 561.

THESE

Chap. XIX. 1414. THESE two points were the great objects of the Lollards; but the generality of the nation was not affected in the same degree by both of them. Common sense and obvious reflection had discovered to the people the advantages of a reformation in discipline; but the age was not yet so far advanced as to be seized with the spirit of controversy, or to enter into those abstruse doctrines, which the Lollards endeavoured to propagate throughout the kingdom. The very notion of heresy alarmed the generality of the people: Innovation in fundamental principles was suspicious: Curiosity was not, as yet, a proper counter-ballance to authority: And even many, who were the greatest friends to the reformation of abuses, were anxious to express their detestation of the speculative tenets of the Wicliffites, which, they feared, threw disgrace on so good a cause. This turn of thought appears evidently in the proceedings of the parliament, which was summoned immediately after the detection of Cobham's conspiracy. That assembly passed severe laws against the new heretics: They enacted, that whoever was convicted of Lollardy before the Ordinary, besides suffering capital pnnishment according to the laws formerly established, should also forfeit his lands and goods to the King; and that the chancellor, treasurer, justices of the two benches, sheriffs, justices of peace, and all the chief magistrates in every city and borough should take an oath to use their utmost endeavours for the extirpation of heresy *. Yet this very parliament, when the King demanded supply, renewed the offer formerly pressed upon his father, and entreated him to seize all the ecclesiastical revenues, and convert them to the use of the crown †. The clergy were alarmed: They could offer the King no bribe which was equivalent: They only agreed to confer on him all the priories alien, which depended on capital abbies in Normandy, and had been bequeathed them when that province remained united to England: And Chicheley, now archbishop of Canterbury, endeavoured to divert the blow, by giving occupation to the King, and by persuading him to undertake a war against France, in order to recover his lost rights to that kingdom ‡.

IT was the dying injunction of the late King to his son, not to allow the English to remain long in peace, which was apt to breed intestine commotions; but to employ them in foreign expeditions, by which the prince might acquire honour; the nobility, in sharing his dangers, might attach themselves to his person; and all the restless spirits find occupation for their inquietude. The natural disposition of Henry sufficiently inclined him to follow this advice, and the civil disorders of France, which had been lengthened out beyond those of England, opened a full career to his ambition.

* 2 Hen. V. chap. 7. † Hall. fol. 35. ‡ Hall, fol. 35, 36.

THE

Chap. XIX. 1415. State of France.

THE death of Charles V. which followed ſo ſoon after that of Edward III. and the youth of his ſon, Charles VI. put the two kingdoms for ſome time in a ſimilar ſituation; and it was not to be apprehended, that either of them, during a minority, would be able to make much advantage of the weakneſs of the other. The jealouſies alſo between Charles's three uncles, the dukes of Anjou, Berri, and Burgundy, had diſtracted the affairs of France rather more than thoſe between the dukes of Lancaſter, York, and Gloceſter, Richard's three uncles, diſordered thoſe of England; and had carried off the attention of the French nation from any vigorous enterprize againſt foreigners. But in proportion as Charles advanced in years, the factions were compoſed; his two uncles, the dukes of Anjou and Burgundy, died; and the King himſelf, aſſuming the government, gave ſymptoms of genius and ſpirit, which revived the drooping hopes of his country. This promiſing ſtate of affairs was not of long continuance: The unhappy prince fell ſuddenly into a fit of frenzy, which rendered him incapable of exerciſing his authority; and tho' he recovered from this diſorder, he was ſo ſubject to relapſes, that his judgment was gradually, but ſenſibly impaired, and no ſteddy plan of government could be purſued by him. The adminiſtration of affairs was diſputed between his brother, Lewis, duke of Orleans, and his couſin german, John duke of Burgundy: The propinquity to the crown pleaded in favour of the former: The latter, who, in right of his mother, had inherited the county of Flanders, which he annexed to his father's extenſive dominions, derived a luſtre from his ſuperior power: The people were divided between theſe contending princes: And the King, now reſuming and now dropping his authority, kept the victory undecided, and prevented any regular ſettlement of the ſtate, by the final prevalence of either party.

AT length, the dukes of Orleans and Burgundy, ſeeming to be moved by the cries of the nation and by the interpoſition of common friends, agreed to bury all paſt quarrels in oblivion, and to enter into ſtrict amity together: They ſwore before the altar to the ſincerity of this friendſhip; the prieſt adminiſtered the ſacrament to both of them; they gave to each other every pledge, which could be deemed ſacred among men: But all this ſolemn preparation was only a cover for the baſeſt treachery, which was deliberately meditated by the duke of Burgundy. He made his rival be aſſaſſinated in the ſtreets of Paris: He endeavoured for ſome time to conceal the part which he took in the crime: But being detected, he embraced a reſolution ſtill more criminal and more dangerous to ſociety, by openly avowing and juſtifying it*. The parliament of Paris itſelf, the tribunal of juſtice, heard the harangues of the duke's advocate in defence of aſ-

* La Laboureur, liv. 27. chap. 23, 24.

ſaſſina-

Chap. XIX. 1415. saſſination, which he denominated tyrannicide; and that aſſembly, partly influenced by faction, partly overawed by power, pronounced no ſentence of condemnation againſt this deteſtable doctrine *. The ſame queſtion was afterwards agitated before the council of Conſtance; and it was with difficulty, that a feeble deciſion, in favour of the contrary opinion, was procured from theſe fathers of the church, the miniſters of peace and of religion. But the miſchievous effects of that tenet, had they been before any wiſe doubtful, appeared ſufficiently from the preſent incidents. The commiſſion of this crime, which deſtroyed all truſt and ſecurity, rendered the war implacable between the French parties, and cut off every means of peace and accommodation. The princes of the blood, conſpiring with the young duke of Orleans and his brothers, made violent war on the duke of Burgundy; and the unhappy King, ſeized ſometimes by one party, ſometimes by another, transferred alternately to each of them the appearance of legal authority. The provinces were laid waſte by mutual depredations: Aſſaſſinations were every where committed from the animoſity of the ſeveral leaders; or what was equally terrible, executions were ordered without any legal or free trial, by pretended courts of judicature. The whole kingdom was diſtinguiſhed into two parties, the Burgundians, and the Armagnacs; ſo the adherents of the young duke of Orleans were called, from the count of Armagnac, father-in-law to that prince. The city of Paris, diſtracted between them, but inclining more to the Burgundians, was a perpetual ſcene of blood and violence; the King and royal family were often detained captives in the hands of the populace; their faithful miniſters were butchered or impriſoned before their face; and it was dangerous for any man, amidſt theſe enraged factions, to be diſtinguiſhed by a ſtrict adherence to the principles of probity and honour.

DURING this ſcene of general violence, there roſe into ſome conſideration a body of men, which uſually makes no figure in public tranſactions even in the moſt peaceful times; and that was the univerſity of Paris, whoſe opinions were ſometimes required, and more frequently offered, in the multiplied diſputes between the parties. The ſchiſm, by which the church was at that time divided, and which occaſioned frequent controverſies in the univerſity, had raiſed the maſters to an unuſual degree of importance; and this connexion between literature and ſuperſtition had beſtowed on the former a weight to which reaſon and knowledge are not, of themſelves, any wiſe intitled among men. But there was another ſociety whoſe ſentiments were much more deciſive at Paris, the fraternity of butchers, who, under the direction of their ringleaders, had declared for the duke of Burgundy, and committed the moſt violent outrages againſt the

* Le Labourner, liv. 27. chap. 27. Monſtrelet, chap. 39.

oppoſite

oppoſite party. To counterballance their power, the Armagnacs made intereſt with the fraternity of carpenters; the populace ranged themſelves on the one ſide or the other; and the fate of the capital depended on the prevalence of either party.

THE advantage, which might be made of theſe confuſions, was eaſily perceived in England; and according to the maxims, which uſually prevail among nations, it was determined to lay hold of the favourable opportunity. The late King, who was courted by both the French parties, fomented the quarrel, by alternately ſending aſſiſtance to both; but the preſent ſovereign, impelled by the vigor of youth and the ardor of ambition, determined to puſh his advantages to a greater length, and to carry a violent war into that diſtracted kingdom. But while he was making preparations for that purpoſe, he tried to effectuate his purpoſe by negotiation; and he ſent over ambaſſadors to Paris, offering a perpetual peace and alliance; but demanding Catharine, the French King's daughter, in marriage, two millions of crowns as her portion, the payment of one million ſix hundred thouſand as the arrears of King John's ranſom, and the immediate poſſeſſion and full ſovereignty of Normandy and of all the other provinces, which had been raviſhed from England by the arms of Philip Auguſtus; together with the ſuperiority of Brittany and Flanders *. Such exorbitant demands ſhowed, that he was ſenſible of the preſent miſerable condition of France; and the terms, offered by the French court, tho' much inferior, diſcovered their conſciouſneſs of the ſame melancholy truth. They were willing to give him the princeſs in marriage, to pay him eight hundred thouſand crowns, to reſign the entire ſovereignty of Guienne, and to annex to that province the country of Perigord, Rovergue, Xaintonge, the Angoumois, and other territories †. As Henry was not willing to accept of theſe conditions, and ſcarce expected that his own demands would be complied with, he never interrupted a moment his preparations for war, and having aſſembled a great fleet and army at Southampton, having invited all the nobility and military men of the kingdom to attend him by the hopes of glory and of conqueſt, he came to the ſea-ſide, with a purpoſe of embarking on his expedition.

* Rymer, vol. 9. p. 208.

† Rymer, vol. 9. p. 211. It is reported by ſome hiſtorians (ſee Hiſt. Croyl. Cont. p. 500) that the Dauphin, in deriſion of Henry's claims and diſſolute character, ſent him a box of tennis balls; intimating that theſe implements of play were better adapted to him than the inſtruments of war. But this ſtory is by no means credible; the great conceſſions made by the court of France, ſhow, that they had already entertained a juſt idea of Henry's character, as well as of their own ſituation.

Chap. XIX. 1415.

But while Henry was meditating conquests upon his neighbours, he unexpectedly found himself in danger from a conspiracy at home, which was happily detected in its infancy. The earl of Cambridge, second son of the late duke of York, having espoused the sister of the earl of Marche, had zealously embraced the interests of that family; and had held some conferences with the lord Scrope of Masham, and Sir Thomas Gray of Heton, about the means of recovering to that nobleman his just right to the crown of England. The conspirators, so soon as they were detected, acknowledged their guilt to the King *; and Henry proceeded without delay to their trial and condemnation. The utmost that could be expected of the best King in those ages, was, that he would so far observe the essentials of justice, as not to make an innocent person a victim to his severity: But as to the formalities of law, which are often as material as the essentials themselves, they were sacrificed without scruple to the least interest or convenience. A jury of commoners was summoned: The three conspirators was indicted before them: The constable of Southampton castle swore, that they had separately confessed their guilt to him: Without other evidence, Sir Thomas Gray was condemned and executed: But as the earl of Cambridge and lord Scrope pleaded the privilege of their peerage, Henry thought proper to summon a court of eighteen barons, in which the duke of Clarence presided: The evidence, given before the jury, was read to them: The prisoners, tho' one of them was a prince of the blood, were not examined, nor produced in court, nor heard in their own defence; but received sentence of death upon this proof, which was every way irregular and illegal; and the sentence was soon after executed. The earl of Marche was accused of having given his approbation to this conspiracy, and received a general pardon from the King †. He was probably either innocent of the crime imputed to him, or had made reparation by his early repentance and discovery ‡.

Invasion of France.

The successes, which the arms of England have, in different ages, obtained over those of France, have been much owing to the favourable situation of the former kingdom. The English, happily seated in an island, could make advantage of every misfortune which attended their neighbours, and were little exposed to the danger of retaliation. They never left their own country, but when conducted by a King of extraordinary genius, or found their enemy divided by intestine factions, or were supported by a powerful alliance on the continent; and as all these circumstances concurred at present to favour their enterprize, they had reason to expect from it a proportionable success. The duke of Burgundy,

* Rymer, vol. 9. p. 300. T. Livii, p. 8. † Rymer, vol. 9. p. 303.
‡ St. Remi, chap. 55. Godwin, p. 65.

expelled

expelled France by a combination of the princes, had been ſecretly ſollicit- Chap. XIX.
ing the alliance of England *; and Henry knew, that that prince, tho' he ſcru- 1415.
pled at firſt to join the inveterate enemy of his country, would willingly, if he ſaw any probability of ſucceſs, both aſſiſt him with his Flemiſh ſubjects, and draw over to the ſame cauſe all his numerous partizans in France. Truſting therefore to this circumſtance, but without eſtabliſhing any concert with the duke, he put to ſea, and landed near Harfleur, at the head of an army of 6000 men at arms, 14th Auguſt.
and 24,000 foot, moſtly archers. He immediately began the ſiege of that place, which was valiantly defended by the lords d'Eſtoûteville, de Guitri, de Gaucourt, and others of the French nobility: But as the garriſon was weak, and the fortifications in bad repair, they were at laſt obliged to capitulate; and they promiſed to ſurrender, if they received no ſuccour before the eighteenth of September. The day came, and there was no appearance of a French army to relieve them: Yet they ſtill delayed, on various pretences, to open their gates; till Henry, incenſed at their breach of faith, ordered a general aſſault, took the town by ſtorm, and put all the garriſon to the ſword; except ſome gentlemen, whom the victorious army, in hopes of reaping profit by their ranſom, were induced to ſpare †.

The fatigues of this ſiege, and the unuſual heat of the ſeaſon, had ſo waſted the Engliſh army, that Henry could enter on no farther enterprize; and was obliged to think of returning into England. He had diſmiſſed his tranſports, which could not ſafely anchor in an open road upon the enemy's coaſt; and he lay under a neceſſity of marching by land to Calais, before he could reach a place of ſafety. A numerous French army of 14,000 men at arms and 40,000 foot was by this time aſſembled in Normandy under the conſtable d'Albert; a force, which, if prudently conducted, was ſufficient either to trample down the Engliſh in the open field, or to haraſs and reduce to nothing their ſmall army, before they could finiſh ſo long and difficult a march. Henry, therefore, very cautiouſly offered to ſacrifice his conqueſt of Harfleur for a ſafe paſſage to Calais; but his propoſal being rejected by the French court, he determined to force his way by valor and policy thro' all the oppoſition of the enemy §. That he might not diſcourage his own army by the appearance of flight, or expoſe them to thoſe hazards which naturally attend precipitate marches, he made very ſlow and deliberate journies ‖, till he reached the Somme, which he propoſed to paſs at the ford of Blanquetague, the ſame place where Edward, in a like ſituation, had

* Rymer, vol. 9. p. 137, 138.
† Le Laboureur, liv. 35. chap. 4, 5.
‖ Laboureur, liv. 35. chap. 6.
§ T. Livii. p. 12.

Chap. XIX. 1415. before escaped from Philip de Valois. But he found the ford rendered impassable by the precaution of the French general, and guarded by a strong body on the opposite bank *; and he was therefore obliged to march higher up the river, in order to seek for a safe passage. He was continually harrassed on his march by flying parties of the enemy; saw bodies of troops on the other side ready to oppose every attempt; his provisions were cut off; his soldiers languished with sickness and fatigue; and his affairs seemed to be reduced to a desperate situation: When he was so dexterous or so fortunate as to seize by surprize a passage near St. Quintin, which had not been sufficiently guarded, and he safely carried over his army †.

Battle of Azincour. HENRY then bent his march northwards to Calais; but he was still exposed to great and imminent danger from the enemy, who had also passed the Somme, and threw themselves full in his way, with a purpose of intercepting his retreat.

25th Oct. After he had passed the small river of Ternois at Blangi, he was surprized to observe from the heights the whole French army drawn up in the plains of Azincour, and so posted that it was impossible for him to proceed on his march, without coming to an engagement. Nothing in appearance could be more unequal than the battle upon which all his safety and his fortunes depended. The English army were little more than half the number, which had disembarked at Harfleur; and laboured under every discouragement and necessity. The enemy were four times more numerous; were headed by the Dauphin and all the princes of the blood; and were plentifully supplied with provisions of every kind. Henry's situation was exactly similar to that of Edward at Cressy, and that of the black Prince at Poictiers; and the memory of these great events, inspiring the English with courage, made them hope for a like deliverance from their present difficulties. The King likewise observed the same prudent conduct which had been followed by these great commanders. He drew up his army on a narrow ground between two woods, which guarded each flank; and he patiently expected in that posture the attack of the enemy ‡.

HAD the French constable been able, either to reason justly upon the present circumstances of the two armies, or to profit by past experience, he had declined a combat, and had waited, till necessity, obliging the English to advance, had made them relinquish the advantages of their situation. But the impetuous valour of the French nobility, and a vain confidence in superior numbers, brought on this fatal action, which proved the source of infinite calamities to their country. The French archers on horseback and their men at arms, crowded in their

* St. Remi, chap. 58. † T. Livii, p. 13. ‡ St. Remi, chap. 62.

ranks,

ranks, advanced upon the Engliſh archers, who had fixed palliſadoes in their front to break the impreſſion of the enemy, and who ſafely plyed them, from behind that defence, with a ſhower of arrows, which nothing could reſiſt *. The clay ſoil, moiſtened by ſome rain, which had lately fallen, proved another obſtacle to the force of the French cavalry: The wounded men and horſes diſcompoſed their ranks: The narrow compaſs, in which they were pent, hindered them from recovering any order: The whole army was a ſcene of confuſion, terror and diſmay: And Henry, perceiving his advantage, ordered the Engliſh archers, who were light and unincumbered, to advance upon the enemy, and ſeize the moment of victory. They fell with their battle-axes upon the French, who, in their preſent poſture, were incapable either of flying or of making defence: They hewed them in pieces without reſiſtance †: And being ſeconded by the men at arms, who alſo puſhed on againſt the enemy, they covered the field with the killed, wounded, diſmounted and overthrown. After all appearance of oppoſition was over, the Engliſh had leizure to make priſoners; and having advanced with uninterrupted ſucceſs to the open plain, they there ſaw the remains of the French rear guard, which ſtill maintained the appearance of a line of battle. At the ſame time, they heard an alarm from behind: Some gentlemen of Picardy, having collected about 600 peaſants, had fallen upon the Engliſh baggage, and were doing execution on the diſarmed followers of the camp, who fled before them. Henry, ſeeing the enemy on all ſides of him, began to entertain apprehenſions from his priſoners; and he thought it neceſſary to iſſue general orders for putting them to death ‡: But on the diſcovery of the truth, he ſtopped the ſlaughter, and was ſtill able to ſave a great number. Chap. XIX. 1415.

No battle was ever more fatal to France, by the number of princes and nobility, ſlain or taken priſoners. Among the former were, the Conſtable himſelf, the count de Nevers and the duke of Brabant, brothers to the duke of Burgundy, the count de Vaudemont, brother to the duke of Lorraine, the duke of Alençon, the duke of Barre, the count de Marle. The moſt eminent priſoners were the dukes of Orleans and Bourbon, the counts d'Eu, Vendome, and Richemont, and the mareſchal de Boucicaut. An archbiſhop of Sens alſo periſhed fighting in this battle. The killed are computed on the whole to have amounted to ten thouſand men; and as the ſlaughter fell chiefly upon the cavalry, it is pretended, that, of theſe, eight thouſand were gentlemen §. Henry was maſter of

* Walſingham, p. 392. T. Livii, p. 19. La Laboureur, liv. 35. chap. 7. Monſtrelet, chap. 147.
† Walſingham, p. 393. Ypod. Neuſt. p. 584. ‡ T. Livii, p. 20. Le Laboureur, liv. 35. chap. 7. St. Remi, chap. 62. Monſtrelet, chap. 147. Hall, fol. 50.
§ St. Remi, chap. 64. This author ſays he was preſent in the battle. Monſtrelet, chap. 148, makes the number amount to 8400.

14,000

Chap. XIX. 1415.

14,000 prisoners. The person of chief note, who fell among the English, was the duke of York, who perished fighting by the King's side, and had an end more honourable than his life. He was succeeded in his honours and fortune by his nephew, son to the earl of Cambridge, executed in the beginning of the year. All the English who were slain, exceeded not forty *; tho' some writers make the numbers more considerable †.

The three great battles of Cressy, Poictiers, and Azincour bore a singular resemblance to each other, in their most considerable circumstances. In all of them, there appears the same temerity in the English princes, who, without any object of moment, merely for the sake of plunder had ventured so far into the enemies country as to leave themselves no resource; and unless saved by the utmost imprudence in the French commanders, were, from their very situation, exposed to inevitable destruction. But allowance being made for this temerity, which, according to the irregular plans of war, followed in those ages, seems to have been, in some measure, unavoidable; there appears, in the day of action, the same presence of mind, dexterity, courage, firmness and precaution on the part of the English: The same precipitation, confusion, and vain confidence on the part of the French: And the events were such as might have been expected from such opposite conduct. The immediate consequences too of these three great victories were similar: Instead of pushing the French with vigour, and taking advantage of their consternation, the English princes, after their victory, seem rather to have relaxed their efforts, and to have allowed the enemy leizure to recover from his losses. Henry interrupted not his march a moment after the battle of Azincour; he carried his prisoners to Calais, and from thence to England; he even concluded a truce with the enemy; and it was not till after an interval of two years that any body of English troops appeared in France.

The poverty of all the European princes, and the small resources of their kingdoms, were the causes of these continual interruptions in their hostilities; and tho' the maxims of war were in general very destructive, their military operations were mere incursions, which, without any settled plan, they carried on against each other. The lustre, however, attending the victory of Azincour, procured some supplies from the English parliament; tho' still unequal to the expences of a campaign. They granted Henry an entire fifteenth of moveables; and they conferred on him *for life* the duties of tonnage and poundage, and the subsidies on the exportation of wool and leather. This concession is more considerable than that which had been granted to Richard II. by his last parliament,

* Walsingham, p. 393. Otterbourne, p. 277. St. Remi, chap. 64. † Monstrelet, chap. 147.

and

and which was afterwards, on his depoſition, made ſo great an article of charge againſt him. Chap. XIX. 1415.

But during this interruption of hoſtilities from England, France was expoſed to all the furies of civil war; and the ſeveral parties became every day more enraged againſt each other. The duke of Burgundy, in hopes that the French miniſters and generals were entirely diſcredited, by the miſfortune at Azincour, advanced with a great army to Paris, and attempted to re-inſtate himſelf in poſſeſſion of the government, as well as of the King's perſon. But his partizans in that city were over-awed by the court, and kept in ſubjection: The duke deſpaired of ſucceſs: And he retired with his forces, which he immediately diſperſed in the low countries *. He was next year invited to make a new attempt, by ſome violent quarrels, which broke out in the royal family. The Queen, Iſabella, daughter of the duke of Bavaria, who had been hitherto an inveterate enemy to the Burgundian faction, had received a great injury from the other party, which the implacable ſpirit of that princeſs was never able to forgive. The public neceſſities obliged the count d'Armagnac, created conſtable of France in place of d'Albert, to ſeize the great treaſures which Iſabella had amaſſed; and when ſhe expreſſed her diſpleaſure at this injury, he inſpired into the weak mind of the King ſome jealouſies againſt her conduct, and puſhed him to ſeize and put to the torture, and afterwards throw into the Seine, Bois-bourdon, her favourite, whom he accuſed of a commerce of gallantry with that princeſs. The Queen herſelf was ſent to Tours, and confined under a guard †; and after theſe multiplied inſults, ſhe no longer ſcrupled to enter into a correſpondence with the duke of Burgundy. As her ſon, the Dauphin Charles, a youth of ſixteen, was entirely governed by the faction of Armagnac, ſhe extended her animoſity to him, and ſought his deſtruction with the moſt unrelenting hatred. She had ſoon an opportunity of rendering her unnatural purpoſe effectual. The duke of Burgundy, in concert with her, entered France at the head of a great army: He made himſelf maſter of Amiens, Abbeville, Dourlens, Montreüil, and other towns in Picardy; Senlis, Rheims, Chalons, Troye, and Auxerre, declared themſelves for his party ‡. He got poſſeſſion of Beaumont, Pontoiſe, Vernon, Meulant, Montlheri, towns in the neighbourhood of Paris; and carrying farther his progreſs towards the weſt, he ſeized Etampes, Chartres, and other fortreſſes; and was at laſt able to deliver the Queen, who fled to Troye, and declared openly againſt thoſe miniſters, who, ſhe ſaid, detained her huſband in captivity §. State of France. 1416.

* Le Laboureur, liv. 35. chap. 10. † St. Remi, chap. 74. Monſtrelet, chap. 167. ‡ St. Remi, chap. 79. § St. Remi, chap. 81. Monſtrelet, chap. 178, 179.

Mean-

Chap. XIX. 1416. MEAN-WHILE, the partizans of Burgundy raiſed a commotion in Paris, which always inclined to that faction. Lile-Adam, one of the duke's captains, was received into the city in the night time, and headed the inſurrection of the people, which in a moment became ſo impetuous, that nothing could oppoſe it. The perſon of the King was ſeized: The Dauphin made his eſcape with difficulty: Great numbers of the faction of Armagnac were immediately butchered: The count himſelf, and many others of note, were thrown into priſon: Murders were daily committed from private animoſity, under pretence of faction: And the populace, not ſatiated with their fury, and deeming the courſe of public juſtice too dilatory, broke open the priſons, and put to death the count d'Armagnac, and all the other nobility who were there confined *.

1417. New invaſion of France. 1ſt Auguſt. WHILE France was in ſuch furious combuſtion, and was ſo ill prepared to reſiſt a foreign enemy, Henry, having collected ſome treaſures, and levied an army, landed in Normandy at the head of 25,000 men; and met with no conſiderable oppoſition from any quarter. He made himſelf maſter of Falaiſe and Cherbourg; 1418. Evreux and Caen ſubmitted to him; Pont de l'Arche opened its gates; and Henry, having ſubdued all the lower Normandy, and received a reinforcement of 15000 men from England †, formed the ſiege of Roüen, which was defended by a garriſon of 4000 men, ſeconded by the inhabitants, to the number of 15,000 ‡. The cardinal des Urſins here attempted to incline him towards peace, and to moderate his pretenſions: But the King replied to him in ſuch terms as ſhewed that he was fully ſenſible of all his preſent advantages: "Do you not "ſee," ſaid he, "that God has led me hither as by the hand? France has no "ſovereign: I have juſt pretenſions on that kingdom: Every thing is here in "the utmoſt confuſion: No one thinks of reſiſting me. Can I have a more "ſenſible proof, that that Being, who diſpoſes of empires, has determined to "put the crown of France upon my head?" §

BUT tho' Henry had opened his mind to this ſcheme of ambition, he ſtill continued to negotiate with his enemies, and endeavoured to obtain more ſecure, tho' leſs conſiderable advantages. He made, at the ſame time, offers of peace to both parties; to the Queen and duke of Burgundy on the one hand, who having poſſeſſion of the King's perſon, carried the appearance of legal authority ‖; and to the Dauphin on the other, who being the undoubted heir of the monarchy, was adhered to by every one that had a regard to the true intereſts of their country ┼. Theſe two parties alſo carried on a continual negotiation with each other. The

* St. Remi, chap. 85, 86. Monſtrelet, chap. 118. † Walſing. p. 400. ‡ St. Remi, chap. 91. § Juvenal des Urſins. ‖ Rymer, vol. 9. p. 717, 749. ┼ Rymer, vol. 9. p. 626, &c.

terms

terms propoſed on all ſides were perpetually varying: The events of the war, and the intrigues of the cabinet, intermingled with each other: And the fate of France remained long in this uncertainty. After many negotiations, Henry offered the Queen and the duke of Burgundy to make peace with them, to eſpouſe the princeſs Catharine, to accept of all the provinces ceded to Edward III. by the treaty of Bretigni, with the addition of Normandy, which he was to receive in full and entire ſovereignty *. Theſe terms were accepted of: There remained only ſome circumſtances to adjuſt, in order to the full completion of the treaty: But in this interval the duke of Burgundy ſecretly finiſhed his treaty with the Dauphin; and theſe two princes agreed to ſhare the royal authority during King Charles's life, and to unite their arms in expelling foreign enemies †. Chap. XIX. 1419.

THIS alliance, which ſeemed to cut off from Henry all hopes of farther ſucceſs, proved in the iſſue the moſt favourable event which could have happened for his pretenſions. Whether the Dauphin and duke of Burgundy were ever ſincere in their mutual engagements is uncertain; but very fatal effects reſulted from their momentary and ſeeming union. The two princes agreed to an interview, in order to concert the means of rendering effectual their common attack of the Engliſh; but how both or either of them could with ſafety venture upon this conference, it ſeemed ſomewhat difficult to contrive. The aſſaſſination perpetrated by the duke of Burgundy, and ſtill more, his open avowal of the deed, and defence of the doctrine, tended to diſſolve all the bands of civil ſociety; and even men of honour, who deteſted the example, might deem it juſt, on a favourable opportunity, to retaliate upon the author. The duke, therefore, who neither dared to give, nor could pretend to require any truſt, agreed to all the contrivances for mutual ſecurity, which were propoſed by the miniſters of the Dauphin. The two princes came to Montereau: The duke lodged in the caſtle; the Dauphin in the town, which was divided from the caſtle by the river Yonne: The bridge between them was choſen for the place of interview: Two high rails were drawn acroſs the bridge: The gates on each ſide were guarded, the one by the officers of the Dauphin, the other by thoſe of the duke: The princes were to enter into the intermediate ſpace by the oppoſite gates, accompanied each by ten perſons; and with all theſe marks of diffidence, to conciliate their mutual friendſhip. But it appeared, that no precautions are ſufficient, where laws have no place, and where all principles of honour are utterly abandoned. Tannegui de Chatel, and others of the Dauphin's retainers, were zealous partizans of the houſe of Orleans, and they determined to ſeize the opportunity of revenging on the aſſaſſin the murder of that prince: They no ſooner entered the rails, than Aſſaſſination of the duke of Burgundy.

* Rymer, vol. 9. p. 762. † Rymer, vol. 9. p. 776. St. Remi, chap. 95.

Chap. XIX. 1419. they drew their ſwords and attacked the duke of Burgundy: His friends were aſtoniſhed, and thought not of making any defence; and all of them either ſhared his fate, or were taken priſoners by the retinue of the Dauphin *.

THE extreme youth of this prince, made it doubtful whether he was admitted into the ſecret of the conſpiracy: But as the deed was committed under his eye, by his moſt intimate friends, who ſtill retained their connexions with him, the blame of the action, which was certainly more imprudent than criminal, fell entirely upon him. The whole ſtate of affairs was every where changed by that unexpected incident. The city of Paris, which was paſſionately devoted to the family of Burgundy, broke out into the higheſt fury againſt the Dauphin. The court of King Charles entered from intereſt into the ſame views; and as all the miniſters about that monarch had owed their preferment to the late duke, and foreſaw their downfall if the Dauphin recovered poſſeſſion of his father's perſon, they were concerned to prevent by any means, the ſucceſs of his enterprize. The Queen, perſevering in her unnatural animoſity againſt her ſon, encreaſed the general flame, and inſpired into the King, as far as he was ſuſceptible of any ſentiment, the ſame prejudices by which ſhe herſelf had long been actuated. But above all, Philip count de Charolois, now duke of Burgundy, thought himſelf bound by every tye of honour and of duty, to revenge the murder of his father, and to proſecute the aſſaſſin to the utmoſt extremity. And in this general tranſport of rage, every conſideration of national and family intereſt was buried in oblivion by all parties: The ſubjection to a foreign enemy, the expulſion of the lawful heir, the ſlavery of the kingdom, appeared but ſmall evils, if they led to the gratification of the preſent paſſion.

THE King of England had, before the death of the duke of Burgundy, profited extremely by the diſtractions of France, and was daily making a conſiderable progreſs in Normandy. He had taken Roüen after an obſtinate ſiege †: He had made himſelf maſter of Pontoiſe and Giſors: He even threatened Paris, and by the terror of his power, had obliged the court to remove to Troye: And in the midſt of his ſucceſſes, he was agreeably ſurprized, to find his enemies, inſtead of combining againſt him for their mutual defence, diſpoſed to ruſh into his arms, and to make him the inſtrument of their vengeance upon each other. A league was immediately concluded at Arras between him and the duke of Burgundy. That prince, without ſtipulating any thing for himſelf, except the proſecution of his father's murder, and the marriage of the duke of Bedford with his ſiſter, was willing to ſacrifice the kingdom to Henry's ambition, and he agreed to every demand, which was made by that monarch. In order to finiſh

* St. Remi, chap. 97. Monſtrelet, chap. 211. † T. Livii, p. 69. Monſtrelet, chap. 201.

that

that aſtoniſhing treaty, which was to transfer the crown of France to a ſtranger, Henry went to Troye, accompanied by his brother, the dukes of Clarence and Gloceſter; and was there met by the duke of Burgundy. The imbecility, into which King Charles had fallen, made him incapable of ſeeing any thing but thro' the eyes of thoſe who attended him; as they, on their part, ſaw every thing thro' the medium of their paſſions. The treaty, being already concerted among the parties, was immediately drawn and ſigned and ratified: Henry's will ſeemed to be a law throughout this whole negotiation: Nothing was attended to but his advantages. Chap. XIX. 1420.

THE principal articles of the treaty were, that Henry ſhould eſpouſe the princeſs Catharine: That King Charles, during his life time, ſhould enjoy the title and dignity of King of France: That Henry ſhould be declared and acknowledged heir of the monarchy, and be entruſted with the preſent adminiſtration of the government: That that kingdom ſhould paſs to his heirs whatſoever: That France and England ſhould for ever be united under one king; but ſhould ſtill retain their ſeveral uſages, cuſtoms, and privileges: That all the princes, peers, vaſſals, and communities of France, ſhould ſwear, both that they would adhere to the future ſucceſſion of Henry, and pay him preſent obedience as regent: That that prince ſhould unite his arms to thoſe of King Charles and the duke of Burgundy, in order to ſubdue the adherents of Charles, the pretended Dauphin: And that theſe three princes ſhould make no peace nor truce with him but by common conſent and agreement *. Treaty of Troye.

SUCH was the tenor of this famous treaty; a treaty, which as nothing but the moſt violent animoſity could dictate, ſo nothing but the power of the ſword could carry it into execution. It is hard to ſay, whether its conſequences, had it taken place, would have proved more pernicious to England or to France. It muſt have reduced the former kingdom to the rank of a province: It would have entirely disjointed the ſucceſſion of the latter monarchy, and have brought on the deſtruction of every deſcendant of the royal family: As the houſes of Orleans, Anjou, Alencon, Brittany, Bourbon, and of Burgundy itſelf, whoſe titles were preferable to that of the Engliſh princes, would on that account have been expoſed to perpetual jealouſy and perſecution from the ſovereign. There was even a palpable deficiency in Henry's claim, which no art could palliate. For beſides the inſuperable objections, to which Edward IIId's pretenſions were expoſed, *he* was not heir to that monarch: If female ſucceſſion was admitted, the right had devolved to the houſe of Mortimer: Allowing, that Richard II. was a tyrant, and that Henry IVth's merits, in depoſing him, were ſo great towards the Engliſh,

* Rymer, vol. 9. p. 895. St. Remi, chap. 101. Monſtrelet, chap. 223.

Chap. XIX. 1420. as to juſtify that nation for placing him on the throne; Richard had nowiſe offended France, and his rival had merited nothing of that kingdom: It could not poſſibly be pretended, that the crown of France was become an appendage to that of England; and that a prince, who, by any means, got poſſeſſion of the latter, was, without farther queſtion, entitled to the former. So that on the whole, it muſt be allowed, that Henry's claim to France was, if poſſible, ſtill more unintelligible, than the title, by which his father had mounted the throne of England.

BUT tho' all theſe conſiderations were overlooked, amidſt the hurry of paſſions, by which the courts of France and Burgundy were actuated, they would neceſſarily revive during times of more leizure and tranquillity; and it behoved Henry to puſh his preſent advantages, and allow men no leizure for reaſon or reflection. In a few days after, he eſpouſed the princeſs, Catherine: He carried his father in law to Paris, and put himſelf in poſſeſſion of that capital: He obtained from the parliament and the three eſtates a ratification of the treaty of Troye: He ſupported the duke of Burgundy in procuring a ſentence againſt the murderers of his father: And he immediately turned his arms with ſucceſs againſt the adherents of the Dauphin, who, ſo ſoon as he heard of the treaty of Troye, took on him the ſtyle and authority of regent, and appealed to God and his ſword for the maintenance of his title.

Marriage of the King.

THE firſt place which Henry ſubdued, was Sens, which opened its gates after a ſlight reſiſtance. With the ſame facility, he made himſelf maſter of Montereau. The defence of Melun was more obſtinate; Barbaſan, the governor, held out for the ſpace of four months againſt the beſiegers; and it was famine alone which obliged him to capitulate. Henry promiſed to ſpare the lives of all the garriſon, except ſuch as were accomplices in the murder of the duke of Burgundy; and as Barbaſan himſelf was ſuſpected to be of the number, his puniſhment was demanded by Philip: But the King had the generoſity to intercede for him, and to prevent his execution *.

1421. THE neceſſity of providing ſupplies both of men and money obliged Henry to go over to England; and he left the duke of Exeter, his uncle, governor of Paris during his abſence. The authority, which naturally attends ſucceſs, procured him from the Engliſh parliament a ſubſidy of a fifteenth; but if we may judge by the ſmallneſs of this ſupply, the nation was no wiſe ſanguine on their King's victories; and in proportion as the proſpect of their union with France came nearer, they began to open their eyes, and to ſee the dangerous conſequences with which it

* Holingſhed, p. 577.

muſt

must necessarily be attended. It was fortunate for Henry, that he had other resources, besides pecuniary supplies from his native subjects. The provinces, which he had already conquered, maintained his troops; and the hopes of farther advantages allured to his standard all men of ambitious spirits in England, who desired to signalize themselves by arms. He assembled a new army of twenty four thousand archers, and four thousand horsemen *, and marched them to Dover, the place of embarkation. Every thing had remained in tranquillity at Paris under the duke of Exeter; but there had happened in another quarter of the kingdom a misfortune, which hastened his departure. Chap XIX. 1421.

The detention of the King of Scots in England had hitherto proved very advantageous to Henry; and by keeping the regent in awe, had preserved, during the whole course of the French war, the northern frontier in tranquillity. But when intelligence arrived in Scotland, of the progress made by Henry, and the near prospect of his succession to the crown of France, the nation was alarmed, and foresaw their own inevitable ruin, if the subjection of their ally left them to combat alone an enemy, who was already so much superior to them in power and riches. The regent entered into the same views; and tho' he declined an open war with England, he permitted a body of seven thousand Scots, under the command of the earl of Buchan, his second son, to be transported into France for the service of the Dauphin. To render this aid ineffectual, Henry had carried over the young King of Scots, whom he obliged to send orders to his countrymen to leave the French service; but the Scots general replied, that he would obey no commands which came from a King in captivity, and that a prince, while in the hands of his enemy, was no wise entitled to authority. These troops therefore, continued still to act under the earl of Buchan; and were employed by the Dauphin to oppose the progress of the duke of Clarence in Anjou. The two armies encountered at Baugé: The English were defeated: The duke himself was slain by Sir Allan Swinton, a Scots knight, who commanded a company of men at arms: And the earls of Somerset †, Dorset, and Huntingdon were taken prisoners ‡. This was the first action, which turned the tide of success against the English; and the Dauphin, that he might both attach the Scots to his service, and reward the valour and conduct of the earl of Buchan, honoured that nobleman with the office of constable.

But the arrival of the King of England, with so considerable an army, was more than sufficient to repair this loss. Henry was received at Paris with great expres-

* Monstrelet, chap. 242. † His name was John, and he was afterwards created duke of Somerset. He was grandson of John of Gaunt duke of Lancaster. The earl of Dorset was brother to Somerset, and succeeded him in that title. ‡ St. Remi, chap. 110. Monstrelet, chap. 239. Hall, fol. 76.

sions

Chap. XIX. 1421. sions of joy; so obstinate were the prejudices of the people: And he immediately conducted his army to Chartres, which had long been besieged by the Dauphin. That prince decamped on the approach of the English; and being resolved to decline a battle, he retired with his army *. Henry made himself master of Dreux without a blow: He laid siege to Meaux at the sollicitation of the Parisians, who were much incommoded by the garrison of that place. This enterprize employed the English arms during the space of eight months: The bastard of Vaurus, the governor of Meaux, distinguished himself by an obstinate defence; but was at last obliged to surrender at discretion. The cruelty of this officer was equal to his bravery: He was accustomed to hang without distinction all the English and Burgundians who fell into his hands: And Henry, in revenge of his barbarity, ordered him immediately to be hanged on the same tree, which he had made the instrument of his inhuman executions †.

THIS success was followed by the surrender of many other places in the neighbourhood of Paris, which held for the Dauphin: That prince was chaced beyond the Loire, and almost totally abandoned all the northern provinces: He was even pursued into the south by the united arms of the English and Burgundians, and threatened with total destruction: Notwithstanding the bravery and fidelity of his captains, he saw himself unequal to his enemies in the open field; and found it necessary to temporize, and to avoid all hazardous actions with a rival, who had gained so much the ascendant over him. And to crown all the other prosperities of Henry, his queen was delivered of a son, who was called by his father's name, and whose birth was celebrated by rejoicings no less pompous and no less sincere at Paris than at London. The infant prince seemed to be universally regarded as the future heir of both monarchies.

1422. Death, BUT the glory of Henry, when it had nearly reached the summit, was stopped short by the hand of nature; and all his mighty projects vanished into smoke. He was seized with a fistula, which the surgeons at that time had not skill enough to cure; and he was at last sensible, that his distemper was mortal, and that his end was approaching. He sent for his brother the duke of Bedford, the earl of Warwic, and a few more noblemen, whom he had honoured with his confidence; and he delivered to them, in great tranquillity, his last will with regard to the government of his kingdom and family. He entreated them to continue, towards his infant son, the same fidelity and attachment, which they had always professed to him during his life-time, and which had been cemented by so many

* St. Remi, chap. 3. † Rymer, vol. 10. p. 212. T. Livii, p. 92, 93. St. Remi, chap. 116. Monstrelet, chap. 260.

mutual

mutual good offices. He expreſſed his indifference on the approach of death; and tho' he regreted, that he muſt leave unfiniſhed a work ſo happily begun, he declared himſelf confident, that the final acquiſition of France would be the effect of their prudence and valour. He left the regency of that kingdom to his eldeſt brother, the duke of Bedford; that of England to his younger, the duke of Gloceſter; and the care of his ſon's perſon to the earl of Warwic. He recommended to all of them an anxious care to maintain the friendſhip of the duke of Burgundy; and adviſed them never to give liberty to the French princes taken at Azincour, till his ſon was of age, and could himſelf hold the reins of government. And he conjured them, if the ſucceſs of their arms, ſhould not enable them to place young Henry on the throne of France, never at leaſt to make peace with that kingdom, unleſs the enemy, by the ceſſion of Normandy and its annexation to the crown of England, made compenſation for all the hazards and expence of his enterprize *. Chap. XIX. 1422.

He next applied himſelf to his devotions, and ordered his chaplain to read the ſeven penitential pſalms. When he came to that paſſage of the fifty firſt pſalm; *Build thou the walls of Jeruſalem*; he interrupted him, and profeſſed his ſerious intention, after he ſhould have fully ſubdued France, to have made a croiſade againſt the Infidels, and recover poſſeſſion of the Holy Land †. So ingenious are men in deceiving themſelves, that Henry forgot in thoſe moments, all the blood ſpilt by his ambition; and received comfort from this late and feeble reſolve, which, as the mode of theſe enterprizes was now paſt, he certainly would never have carried into execution. He expired in the thirty fourth year of his age and the tenth of his reign. 31ſt Auguſt.

This prince poſſeſſed many eminent virtues; and if we give indulgence to ambition in a monarch, or rank it, as the vulgar are inclined to do, among his virtues, they were unſtained by any conſiderable blemiſh. His abilities appeared equally in the cabinet and in the field; the boldneſs of his enterprizes was no leſs remarkable than his perſonal valour in conducting them. He had the talent of attaching his friends by affability, and of gaining his enemies by addreſs and clemency. The Engliſh, dazzled by the luſtre of his character, ſtill more than by that of his victories, were reconciled to the defects of his title: The French almoſt forgot that he was an enemy: And his care of maintaining juſtice in his civil adminiſtration, and preſerving diſcipline in his armies, made ſome amends to both nations for the calamities inſeparable from thoſe wars, in which his ſhort reign was almoſt entirely occupied. That he could forgive the earl of Marche, who had a and character of the King.

* Monſtrelet, chap. 265. Hall, fol. 80. † St. Remi, chap. 118. Monſtrelet, chap. 265.

better

Chap. XIX. 1422. better right to the throne than himſelf, is a ſure proof of his magnanimity; and that the earl relied ſo entirely on his friendſhip is no leſs a proof of his eſtabliſhed character for candor and ſincerity. There remain in hiſtory few inſtances of ſuch mutual truſt; and ſtill fewer where neither party found reaſon to repent it.

The exterior figure of this great prince, as well as his deportment, was engaging. His ſtature was ſomewhat above the middle ſize; his countenance beautiful; his limbs genteel and ſlender, but full of vigour; and he excelled in all warlike and manly exerciſes *. He left by his queen, Catherine of France, only one ſon, not full nine months old; whoſe misfortunes in the courſe of his life, ſurpaſſed all the glories and ſucceſſes of his father.

In leſs than two months after Henry's death, Charles VI. of France, his father in law, terminated his unhappy life. He had, for ſeveral years, poſſeſſed only the appearance of royal authority: Yet was this circumſtance of conſiderable moment to the Engliſh; and divided the duty and affections of the French between them and the Dauphin. This prince was proclaimed and crowned King of France at Poictiers, under the name of Charles VII. Rheims, the place where that ceremony was uſually performed, was at that time in the hands of his enemies.

Catherine of France, Henry's Widow, married ſoon after his death, a Welch gentleman, Sir Owen Tudor, ſaid to be deſcended from the antient princes of that country: She bore him two ſons, Edmund and Jaſper, of whom, the eldeſt was created earl of Richmond; the ſecond earl of Pembroke. The family of Tudor, firſt raiſed to diſtinction by this alliance, mounted afterwards the throne of England.

Miſcellaneous tranſactions. The long ſchiſm, which had divided the Latin church for near forty years, was finally terminated in this reign by the council of Conſtance; which depoſed the Pope, John XXIII. for his crimes, and elected Martin V. in his place, who was acknowledged by almoſt all the kingdoms of Europe. This great and unuſual act of authority in the council gave the Roman Pontiffs ever after a mortal antipathy to theſe aſſemblies. The ſame jealouſy, which had long prevailed in moſt European countries, between the civil ariſtocracy and monarchy, now alſo took place between theſe powers in the eccleſiaſtical body. But the great ſeparation of the biſhops in the ſeveral ſtates, and the difficulty of aſſembling them, gave the Pope a mighty advantage, and made it more eaſy for him to collect all the power of the Hierarchy in his own perſon. The cruelty and treachery which attended the puniſhments of John Huſs and Jerome of Prague, the unhappy diſciples of Wickliffe, who were burned alive for their errors by

* T. Livii, p. 4.

this council, prove this melancholy truth, that toleration is none of the virtues of priests in any form of ecclesiastical government. But as the English prince had little or no concern in these great transactions, we are here the more concise in relating them. Chap. XIX. 1422.

The first commission of array, which I we meet with, was issued in this reign *. The military part of the feudal system, which was the most essential circumstance of it, was entirely dissolved; and could no longer serve for the defence of the kingdom. Henry, therefore, when he went to France in 1415, empowered certain commissioners to take a review of all the freemen in each county able to bear arms, to divide them into companies, and to keep them in readiness for resisting the enemy. This was the æra, when the feudal militia gave place to one which was perhaps still less orderly and regular.

We have an authentic and exact account of the ordinary revenues of the crown during this reign; and they amount only to 55,714 pounds 10 shillings and 10 pence a-year †. This is nearly the same with the revenues of Henry III. and the Kings of England had neither become much richer nor poorer in the course of so many years. The ordinary expences of the government amounted to 52,507 pounds 16 shillings and 10 pence: So that the King had of surplus only 3206 pounds 14 shillings for the support of his household; for his wardrobe; for the expence of embassies; and other articles. This sum was nowise sufficient; he was therefore obliged to have frequent recourse to parliamentary supplies, and was thus, even in time of peace, not altogether independant of his people. But wars were a monstrous expence, which neither the prince's ordinary revenue, nor the extraordinary supplies, were able to bear; and he was always reduced to many miserable shifts, in order to make any tolerable figure in them. He commonly borrowed money from all quarters; he pawned his jewels, and sometimes the crown itself ‡; he ran in arrears to his army; and he was often obliged, notwithstanding all these expedients, to stop in the midst of his career of victory, and to grant truces to the enemy. The high pay which was given to soldiers agreed very ill with this low revenue. All the extraordinary supplies granted by parliament to Henry during the course of his reign were only seven tenths and fifteenths, about 203,000 pounds ‖. It is easy to compute how soon this money must be exhausted by armies of 24,000 archers, and 6000 horse; when each archer had a sixpence a-day §, and each horseman two shillings. The most

* Rymer, vol. 9. p. 254, 255. † Rymer, vol. 10. p. 113. ‡ Rymer, vol. 10. p. 190. ‖ Parliamentary History, vol. 2. p. 168.

§ It appears from many passages of Rymer, particularly vol. 9. p. 258, that the King paid 20 marks a-year for an archer, which is a good deal above sixpence a-day. The price had risen, as is natural, by raising the denomination of money.

Chap. XIX. 1422.

splendid successes proved commonly very fruitless when supported by so poor a revenue; and the debts and difficulties, which he thereby incurred, made the King pay dear for his victories. The civil administration, likewise even in time of peace, could never be very regular, where the government was so ill enabled to support itself. Henry a year before his death owed debts, which had been contracted when he was prince of Wales *. It was in vain that the parliament pretended to restrain him from arbitrary practices, when he was reduced to such necessities. Tho' the right of levying purveyance, for instance, had been expressly guarded against by the great charter itself, and was frequently complained of by the commons, it was found absolutely impracticable to abolish it; and the parliament at length, submitting to it as a legal prerogative, contented themselves with enacting laws to limit and confine it. The duke of Gloucester, in the reign of Richard II. possessed a revenue of 60,000 crowns, (about 30,000 pounds a-year of our present money) as we learn from Froissart †, and was consequently richer than the King himself, if all circumstances be duely considered.

It is remarkable, that the city of Calais alone was an annual expence on the crown of 19,119 pounds ‡; that is, above a third of the common charge of the government in time of peace. This fortress was of no use to the defence of England, and only gave that kingdom an inlet to annoy France. Ireland cost two thousand pounds a-year, over and above its own revenue; which was certainly very low. Every thing contributes to give us a very mean idea of the state of Europe in those ages.

From the most early times, till the reign of Edward III. the denomination of money had never been altered: A pound sterling was still a pound troy; that is, about three pounds of our present money. That conqueror was first obliged to innovate in this important article. In the twentieth year of his reign, he coined twenty-two shillings out of a pound troy; in his twenty-seventh year he coined twenty-five shillings. But Henry V. who was also a conqueror, raised still farther the denomination, and coined thirty shillings from a pound troy ‖: His revenue therefore would be about 110,000 pounds of our present money; and by the cheapness of provisions, would be equivalent to above 330,000 pounds.

None of the princes of the house of Lancaster ventured to impose taxes without consent of parliament: Their doubtful or bad title became so far of advantage to the constitution. The rule was then fixed, and could not safely be broke afterwards even by more absolute princes.

* Rymer, vol. 10. p. 114. † Liv. 4. chap. 86. ‡ Rymer, vol. 10. p. 113.
‖ Fleetwood's Chronicon Preciosum, p. 52.

CHAP.

CHAP XX.

HENRY VI.

Government during the minority——State of France——Military operations——Battle of Verneuil——Siege of Orleans——The maid of Orleans——The ſiege of Orleans raiſed——The King of France crowned at Rheims——Prudence of the duke of Bedford——Execution of the maid of Orleans——Defection of the duke of Burgundy——Death of the duke of Bedford——Decline of the Engliſh in France——Truce with France——Marriage of the King with Margaret of Anjou——Murder of the duke of Gloceſter——State of France——Renewal of the war with France——The Engliſh expelled France.

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Government during the minority.

DURING the reigns of the Lancaſtrian princes, the authority of parliament ſeems to have been more confirmed, and the privileges of the people more regarded, than during any former period; and the two preceding Kings, tho' men of great ſpirit and abilities, abſtained from ſuch exertions of prerogative, as even weak princes, whoſe title was undiſputed, were tempted to think that they might venture upon with impunity. The long minority, of which there was now the proſpect, encouraged ſtill farther the lords and commons to extend their authority; and without paying much regard to the verbal deſtination of Henry V. they aſſumed the power of giving a new arrangement to the whole adminiſtration. They declined altogether the name of *Regent* with regard to England: They appointed the duke of Bedford to be *protector* or *guardian* of that kingdom, a title which they ſuppoſed to imply leſs authority: They inveſted the duke of Gloceſter with the ſame dignity during the abſence of his elder brother *; and in order to limit the power of both theſe princes, they named a council, without whoſe advice and approbation no meaſure of importance could be determined †. The perſon and education of the infant prince was committed to Henry Beaufort, biſhop of Wincheſter, his great uncle, and the legitimated ſon of John of Gaunt, duke of Lancaſter; who, as his family could never have

* Rymer, vol. 10. p. 261. Cotton, p. 564. † Cotton, p. 564.

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any pretenſions to the crown, might ſafely, they thought, be intruſted with that important charge *. The two princes, the dukes of Bedford and Gloceſter, who might deem themſelves injured by this plan of government, yet, being perſons of great integrity and honour, acquieſced willingly in any appointment, which ſeemed to give ſecurity to the public; and as the wars in France appeared to be the object of greateſt moment, they avoided every diſpute, which might throw an obſtacle in the way of theſe conqueſts.

State of France.

When the ſtate of affairs between the Engliſh and French Kings was conſidered with a ſuperficial eye, every advantage ſeemed to be on the ſide of the former; and the total expulſion of Charles appeared to be an event, which might naturally be expected from the ſuperior power of his rival. Tho' Henry was yet in his infancy, the adminiſtration was devolved on the duke of Bedford, the moſt accompliſhed prince of his age; whoſe experience, prudence, valor, and generoſity perfectly qualified him for this high office, and enabled him both to maintain union among his friends, and to gain the confidence of his enemies. The whole power of England was at his command: He was at the head of armies enured to victory: He was ſeconded by the moſt renowned generals of the age, the earls of Somerſet, Warwic, Saliſbury, Suffolk, and Arundel, Sir John Talbot and Sir John Faſtolfe: And beſides Guienne, the antient inheritance of England, he was maſter of the capital, and of all the northern provinces, which were beſt enabled to furniſh him with ſupplies both of men and money, and to aſſiſt and ſupport his Engliſh forces.

But Charles, notwithſtanding the preſent inferiority of his power, poſſeſſed ſome advantages, derived partly from his ſituation, partly from his perſonal character, which promiſed him ſucceſs, and ſerved, firſt to controul, then to overballance, the ſuperior force and opulence of his enemies. He was the true and undoubted heir of the monarchy: Every Frenchman, who knew the intereſts or deſired the independance of his country, turned his eyes towards him as its ſole refuge: The excluſion given him, by the imbecillity of his father, and the forced or precipitate conſent of the ſtates, had plainly no validity: That ſpirit of faction, which had blinded the people, could not long hold them in ſo groſs a deluſion: Their national and inveterate hatred againſt the Engliſh, the authors of all their miſeries, muſt ſoon revive, and give them an indignation at bending their necks under the yoke of that hoſtile people: Great nobles and princes, accuſtomed to maintain an independance againſt their native ſovereigns, would never endure a ſubjection to ſtrangers: And tho' moſt of the princes of the blood

* Hall, fol. 83. Monſtrelet, vol. 2. p. 27.

were, since the fatal battle of Azincour, detained prisoners in England, the inhabitants of their demesnes, their friends, their vassals, all declared a zealous attachment to the King, and exerted themselves in resisting the violence of foreign invaders. Chap. XX. 1422.

CHARLES himself, tho' only in his twentieth year, was of a character well calculated to become the object of these benevolent sentiments; and perhaps from the favour, which naturally attends youth, was the more likely, on account of his tender age, to acquire the good-will of his native subjects. He was a prince of the most friendly and benign disposition, of easy and familiar manners, and of a just and sound, tho' not a very vigorous, understanding. Sincere, generous, affable, he engaged from affection the services of his followers, even while his low fortunes might make it their interest to desert him; and the lenity of his temper could pardon in them those sallies of discontent, to which princes in his situation are so frequently exposed. The love of pleasure often seduced him into indolence; but amidst all his irregularities the goodness of his heart still shone forth; and by exerting at intervals his courage and activity, he proved, that his general remissness proceeded not from the want, either of a just spirit of ambition, or of personal valor.

THO' the virtues of this amiable prince lay some time in obscurity, the duke of Bedford knew, that his title alone made him formidable, and that every foreign assistance would be requisite, ere a regent of England could hope to complete the conquest of France; an enterprize, which, however it might seem to be much advanced, was still exposed to many and great difficulties. The chief circumstance, which had procured to the English all their present advantages, was the resentment of the duke of Burgundy against Charles; and as that prince seemed intent rather on gratifying his passion than consulting his interests, it was the more easy for the regent, by demonstrations of respect and confidence, to retain him in the alliance of England. He bent therefore all his endeavours to that purpose: He gave the duke every proof of friendship and regard: He even proffered him the regency of France, which Philip declined: And that he might corroborate national connexions by private ties, he concluded his own marriage with the princess of Burgundy, which had been stipulated by the treaty of Arras.

BEING sensible, that next to the alliance of Burgundy, the friendship of the duke of Brittany was of the greatest importance towards forwarding the English conquests; and that, as the provinces of France, already subdued, lay between the dominions of these two princes, he could never hope for any security without preserving 1423.

Chap. XX. 1423. preſerving his connexions with them; he was very intent on ſtrengthening himſelf alſo from that quarter. The duke of Brittany, having received many juſt reaſons of diſpleaſure from the miniſters of Charles, had already acceded to the treaty of Troye, and had, with other vaſſals of the crown, done homage to Henry V. in quality of heir to the kingdom: But as the regent knew, that the duke was much governed by his brother, the count de Richemont, he endeavoured to fix his friendſhip, by paying his court and doing ſervices, to this haughty and ambitious prince.

ARTHUR, count de Richemont, had been taken priſoner at the battle of Azincour, had been treated with great indulgence by the late King, and had even been permitted on his parole to take a journey into Brittany, where the ſtate of affairs required his preſence. The death of that victorious monarch happened before Richemont's return; and this prince pretended, that, as his word was given perſonally to Henry V. he was not bound to fulfil it towards his ſon and ſucceſſor: A chicane, which the regent, as he could not force him to compliance, deemed it prudent to overlook. An interview was ſettled at Amiens between the dukes of Bedford, Burgundy, and Brittany, at which the count de Richemont was alſo preſent †: The alliance was renewed between theſe princes: And the regent perſuaded Philip to give in marriage to Richemont his eldeſt ſiſter, widow of the deceaſed Dauphin, Lewis, the elder brother of Charles. Thus Arthur was connected both with the regent and the duke of Burgundy, and ſeemed engaged by intereſt to proſecute the ſame object, in forwarding the progreſs of the Engliſh arms.

17th April.

WHILE the vigilance of the duke of Bedford was employed in gaining or confirming theſe allies, whoſe neighbourhood rendered them ſo important, he did not overlook the ſtate of more remote countries. The duke of Albany, regent of Scotland, had died; and his power had devolved to Murdac, his ſon, a prince of a weak underſtanding and of indolent diſpoſitions; who, far from poſſeſſing the talents requiſite for the government of that fierce people, was not even able to maintain authority in his own family, or reſtrain the petulance and inſolence of his ſons. The ardor of the Scots to ſerve in France, where Charles treated them with great honour and diſtinction, and where the regent's brother enjoyed the dignity of conſtable, broke out afreſh under this feeble adminiſtration: New ſuccours daily came over, and filled the armies of the French King: The earl of Douglas conducted a reinforcement of 5000 men to his aſſiſtance. And it was juſtly to be dreaded, that the Scots, by commencing open hoſtilities in the north,

† Hall, fol. 84. Monſtrelet, vol. 1. p. 4. Stowe, p. 364.

would

would occaſion a diverſion ſtill more conſiderable of the Engliſh power, and would eaſe Charles, in part, of that load, by which he was at preſent ſo grievouſly oppreſſed. The duke of Bedford, therefore, perſuaded the Engliſh council to form an alliance with James their priſoner; to free that prince from his long captivity; and to connect him with England, by marrying him to a daughter of the earl of Somerſet and couſin of the young King*. As the Scots regent, tired of his preſent dignity, which he was not able to ſupport, was now become entirely ſincere in his applications for James's liberty, the treaty was ſoon concluded; forty thouſand pounds of ranſom were ſtipulated †; and the King of Scots was reſtored to the throne of his anceſtors, and proved, in his ſhort reign, one of the moſt illuſtrious princes, who had ever governed that kingdom. He was murdered in 1437 by his traiterous kinſman the earl of Athole. His affections inclined him to the party of France; but the Engliſh had never reaſon, during his life-time, to complain of any breach of the neutrality by Scotland.

Chap. XX. 1423.

Military operations.

But the regent was not ſo employed in theſe political negotiations as to miltary operations neglect the operations of war, from which alone he could hope to ſucceed in expelling the French monarch. Tho' the chief ſeat of Charles's power lay in the ſouthern provinces, on the other ſide of the Loire; his partizans were poſſeſſed of ſome fortreſſes in the northern, and even in the neighbourhood of Paris; and it behoved the duke of Bedford firſt to clear theſe countries of the enemy, before he could think of attempting more diſtant conqueſts. The caſtle of Dorſoy was taken after a ſiege of ſix weeks: That of Noyelle and the town of Rüe in Piccardy underwent the ſame fate: Pont ſur Seine, Vertus, Montaigu were ſubjected by the Engliſh arms: And a more conſiderable advantage was ſoon after gained by the united forces of England and Burgundy. John Stuart, conſtable of Scotland, and the lord d'Eſtiſſac had formed the ſiege of Crevant in Burgundy: The earls of Saliſbury and Suffolk, with the count de Toulongeon, were ſent to its relief: A fierce and well diſputed action enſued: The Scots and French were defeated: The conſtable of Scotland and the count de Ventadour were taken priſoners: And above a thouſand men, among whom was Sir William Hamilton, were left on the field of battle ‡. The taking of Gaillon upon the Seine, and of la Charité upon the Loire was the fruit of this victory: And as this latter place opened an entrance into the ſouthern provinces, the acquiſition of it appeared on that account of the greater importance to the duke of Bedford, and ſeemed to promiſe a ſucceſsful iſſue to the war.

* Hall, fol. 86. Stowe, p. 364. Grafton, p. 501.
† Rymer, vol. 10. p. 299, 300, 326.
‡ Hall, fol. 85. Monſtrel. vol. 2. p. 8. Holingſhed, p. 586. Grafton, p. 500.

The

Chap. XX. 1424. THE more King Charles was threatened with an invaſion in thoſe provinces which adhered to him, the more neceſſary it became, that he ſhould retain poſſeſſion of every fortreſs, which he ſtill held within the quarters of the enemy. The duke of Bedford had beſieged in perſon, during the ſpace of three months, the town of Yvri in Normandy; and the brave governor, unable to make any longer defence, was obliged to capitulate; and he agreed to ſurrender the town, if, before a certain term, no relief arrived to him. Charles, informed of theſe conditions, determined to make an attempt for ſaving the place. He collected, with ſome difficulty, an army of 14,000 men, of whom the half were Scots; and he ſent them thither under the command of the earl of Buchan, the conſtable; who was attended by the earl of Douglas, his countryman, the duke of Alençon, the mareſchal de la Fayette, the count d'Aumale, and the viſcount de Narbonne. When the conſtable arrived within a few leagues of Yvri, he found that he was come too late, and that the place was already ſurrendered. He immediately turned to the left, and ſat down before Verneuil, which the inhabitants, in ſpite of the garriſon, delivered up to him *. Buchan might now have returned in ſafety, and with the glory of making an acquiſition no leſs important than the place, which he was ſent to relieve: But hearing of Bedford's approach, he called a council of war; and aſked their opinions with regard to the conduct which he ſhould follow in this emergence. The wiſer part of the council declared for a retreat; and repreſented, that all the paſt misfortunes of the French had proceeded from their raſhneſs in giving battle, when no neceſſity obliged them to riſque a deciſive action; that this army was the laſt reſource of the King, and the only defence of the few provinces which remained to him; and that every reaſon invited him to embrace cautious councils, which left time for his ſubjects to return to their ſenſe of duty, and gave leiſure for diſcord to ariſe among his enemies, who, being united by no common band of intereſt or motive of alliance, could not long perſevere in their animoſity againſt him. All theſe prudential conſiderations were overborne by a vain point of honour, not to turn their backs to the enemy; and they reſolved to await the arrival of the duke of Bedford.

27th of Aug. Battle of Verneuil. THE numbers were nearly equal in this rencounter; and as the long continuance of the war had introduced diſcipline, which, however imperfect, ſufficed to maintain ſome appearance of order in ſuch ſmall armies, the battle was fierce, and well diſputed, and attended with bloodſhed on both ſides. The conſtable drew up his forces under the walls of Verneuil, and reſolved to abide the attack of the enemy: But the impatience of the viſcount of Narbonne, who broke his ranks, and obliged the whole line to follow him in ſome hurry and confuſion,

* Monſtrelet, vol. 2. p. 14. Graſton, p. 504.

was

was the cauſe of the misfortune, which enſued. The Engliſh archers, fixing their paliſadoes before them, according to their uſual cuſtom, ſent a volley of arrows into the thickeſt of the French army; and tho' beat from their ground, and obliged to take ſhelter among the baggage, they ſoon rallied, and continued to commit great ſlaughter upon the enemy. The duke of Bedford, mean-while, at the head of the men at arms, made impreſſion on the French, broke their ranks, chaced them off the field, and rendered the victory entirely compleat and deciſive *. The conſtable himſelf periſhed in battle, the earl of Douglas and his ſon, the counts of Aumale, Tonnerre and Ventadour, with many other conſiderable nobility. The duke of Alençon, the mareſchal de la Fayette, the lords of Gaucour and Mortemar were taken priſoners. There fell about four thouſand of the French; and ſixteen hundred of the Engliſh; a loſs then eſteemed ſo unuſual on the ſide of the victors, that the duke of Bedford prohibited all rejoicings for his ſucceſs. Verneuil was ſurrendered next day upon capitulation †. Chap. XX. 1424.

The condition of the King of France appeared now very terrible, and almoſt deſperate. He had loſt the flower of his army and the braveſt of his nobles in this fatal action: He had no reſources for recruiting or ſubſiſting his troops: He wanted money even for his perſonal ſubſiſtance; and tho' all parade of a court was baniſhed, it was with difficulty he could keep a table, ſupplied with the plaineſt neceſſaries, for himſelf and his few followers: Every day brought him intelligence of ſome loſs or misfortune: Towns, which were bravely defended, were obliged at laſt to ſurrender for want of relief or ſupply: He ſaw his partizans entirely chaced from all the provinces which lay north of the Loire: And he expected ſoon to loſe, by the united efforts of his enemies, all the territories, of which he had hitherto continued maſter; when an accident happened, which ſaved him on the brink of ruin, and loſt the Engliſh ſuch an opportunity for compleating their conqueſts, as they never afterwards were able to recall.

Jaqueline, counteſs of Hainault and Holland, and heir of theſe provinces, had eſpouſed John duke of Brabant, couſin german to the duke of Burgundy; but having unhappily made this choice, from the uſual motives of princes, ſhe ſoon found reaſon to repent her of the unequal alliance. She was a princeſs of a maſculine ſpirit and uncommon underſtanding; the duke of Brabant was of a ſickly complexion and weak mind: She was in the vigour of her age; he had only reached his fifteenth year: Theſe cauſes had inſpired her with ſuch contempt of her huſband, which ſoon proceeded to antipathy, that ſhe determined to break a marriage, where, it is probable, nothing but the ceremony had as yet intervened.

* Hall, fol. 88, 89, 90. Monſtrelet, vol. 2. p. 15. Stowe, p. 365. Holingſhed, p. 588.
† Monſtrelet, vol. 2. p. 15.

Chap. XX. 1424.

The court of Rome was commonly very open to applications of this nature, when ſeconded by power and money; but as the princeſs foreſaw great oppoſition from her huſband's relations, and was impatient to effect her purpoſe, ſhe made her eſcape into England, and threw herſelf under the protection of the duke of Gloceſter. That prince, with many noble qualities, had the defect of being governed by an impetuous temper and vehement paſſions; and he was raſhly induced, as well by the charms of the counteſs herſelf, as by the proſpect of poſſeſſing her rich inheritance, to offer himſelf to her as a huſband. Without waiting for a papal diſpenſation; without endeavouring to reconcile the duke of Burgundy to this meaſure; he entered into a contract of marriage with Jaqueline, and immediately attempted to put himſelf in poſſeſſion of her dominions. Philip was diſguſted with ſo precipitant a conduct: He reſented the injury done to the duke of Brabant his near relation: He dreaded to have the Engliſh eſtabliſhed on all ſides of him: And he foreſaw the conſequences, which muſt attend the extenſive and uncontrouled dominion of that nation, if, before the full ſettlement of their power, they inſulted and injured an ally, to whom they had already been ſo much indebted, and who was ſo neceſſary for ſupporting them in their farther progreſs. He encouraged, therefore, the duke of Brabant to make reſiſtance: He engaged many of Jaqueline's ſubjects to adhere to that prince: He himſelf marched troops to his ſupport: And as the duke of Gloceſter ſtill perſevered in his purpoſe, a ſharp war was ſuddenly kindled in the Low-Countries. The quarrel ſoon became perſonal as well as political. The Engliſh prince wrote to the duke of Burgundy, complaining of the oppoſition made to his pretenſions; and tho' in the main, he employed amicable terms in his letter, he took notice of ſome falſehoods, into which Philip had been betrayed during the courſe of theſe tranſactions. This unguarded expreſſion was highly reſented: The duke of Burgundy inſiſted, that he ſhould retract it: And mutual challenges and defiances paſſed between them on this occaſion *.

The duke of Bedford could eaſily forſee the bad effects of ſo ill-timed and imprudent a quarrel. All the ſuccours, which he expected from England, and which were ſo neceſſary in this critical emergence, were intercepted by his brother, and employed in Holland and Hainault: The forces of the duke of Burgundy, which he alſo depended on, were diverted by the ſame wars: And beſides this double loſs, he was in imminent danger of alienating for ever that confederate, whoſe friendſhip was of the utmoſt importance to his intereſts, and whom the late King had injoined him, with his dying breath, to gratify by every mark of regard and attachment. He inforced all theſe topics to the duke of Gloceſter: He en-

* Monſtrelet, vol. 2. p. 19, 20, 21.

deavour-

deavoured to mitigate the reſentment of the duke of Burgundy: He interpoſed with his good offices between theſe princes: But he was not ſucceſsful in any of his endeavours; and he found, that the impetuoſity of his brother's temper was ſtill the chief obſtacle to all accommodation *. For this reaſon, inſtead of puſhing the victory gained at Verneüil, he found himſelf obliged to take a journey into England, and to try, by his councils and authority, to moderate the meaſures of the duke of Gloceſter. Chap. XX. 1424.

THERE had likewiſe broke out ſome differences among the Engliſh miniſtry, which had proceeded to great extremities, and which required the regent's preſence to compoſe them †. The biſhop of Wincheſter, to whom the care of the King's perſon and education had been entruſted, was a prelate of great capacity and experience, but of an intriguing and dangerous character; and as he aſpired to the government of affairs, he had continual diſputes with his nephew the protector, and he gained frequent advantages over the vehement and impolitic temper of that prince. The duke of Bedford employed the authority of parliament to reconcile them; and theſe rivals were obliged to promiſe before that aſſembly, that they would bury all quarrels in oblivion ‡. Time alſo ſeemed to open expedients for compoſing the difference with the duke of Burgundy. The credit of that prince had procured a bull from the Pope; by which not only Jaqueline's contract with the duke of Gloceſter was annulled; but it was alſo declared, that even in caſe of the duke of Brabant's death, it ſhould never be lawful for her to eſpouſe the Engliſh prince. Humphrey, deſpairing of ſucceſs, married another lady of inferior rank, who had lived ſome time with him, as his miſtreſs §. The duke of Brabant died; and his widow, before ſhe could recover poſſeſſion of her dominions, was obliged to declare the duke of Burgundy her heir, in caſe ſhe died without children, and to promiſe never to marry any perſon without his conſent. But tho' the affair was thus terminated to the advantage of Philip, it left a diſagreeable impreſſion on his mind: It excited an extreme jealouſy of the Engliſh, and opened his eyes to his true intereſts: And as nothing but his animoſity againſt Charles had engaged him in alliance with them, it counterballanced that paſſion by another of the ſame kind, which in the end became prevalent, and brought him back, by degrees, to his natural connexions with his family and his native country. 1425.

ABOUT the ſame time, the duke of Brittany began to withdraw himſelf from the Engliſh alliance. His brother, the count de Richemont, tho' connected by

* Monſtrelet, p. 18. † Stowe, p. 368. Holingſhed, p. 590. ‡ Hall, fol. 98, 99. Holingſhed, p. 593, 594. Polydore Virgil, p. 466. Grafton, p. 512, 519.
§ Stowe, p. 367.

Chap. XX. 1425. marriage with the dukes of Burgundy and Bedford, was extremely attached by inclination to the French intereſt; and he willingly hearkened to all the advances which Charles made him for obtaining his friendſhip. The high office of conſtable, vacant by the earl of Buchan's death, was offered him; and as his martial and ambitious temper aſpired to the command of armies, which he had in vain attempted to obtain from the duke of Bedford, he not only accepted that truſt, but brought over his brother to an alliance with the French monarch. The new conſtable, having made this one change in his meaſures, firmly adhered ever after to his engagements with France. Tho' his pride and violence, which would admit of no rival in his maſter's confidence, and even prompted him to aſſaſſinate the other favourites, had ſo much diſguſted Charles, that he once baniſhed him the court, and refuſed to admit him to his preſence, he ſtill acted with vigour for the ſervice of that monarch, and obtained at laſt, by his perſeverance, the pardon of all his paſt offences.

1426. In this ſituation, the duke of Bedford, on his return, found the affairs of France, after paſſing eight months in England. The duke of Burgundy was much diſguſted. The duke of Brittany had entered into engagements with Charles, and had done homage to that prince for his dutchy. The French had been allowed to recover from the aſtoniſhment, into which their frequent diſaſters had thrown them. An incident even happened, which ſerved extremely to raiſe their courage. The earl of Warwic had beſieged Montargis with a ſmall army of 3000 men; and the place was reduced to extremity, when the baſtard of Orleans undertook to throw relief into it. This general, who was natural ſon to the prince aſſaſſinated by the duke of Burgundy, and who was afterwards created count de Dunois, conducted a body of 1600 men to Montargis; and made an attack on the enemy's trenches with ſo much valour, prudence, and good fortune, that he not only penetrated into the place, but gave a ſevere blow to the Engliſh, and obliged Warwic to raiſe the ſiege *. This was the firſt ſignal action, which raiſed the fame of Dunois, and opened him the road to all thoſe great honours, which he afterwards attained.

But the regent, ſoon after his arrival, revived the credit of the Engliſh arms, by an important enterprize, which he happily atchieved. He ſecretly brought together, in ſeparate detachments, a conſiderable army to the frontiers of Brittany; and fell ſo unexpectedly upon that province, that the duke, unable to make reſiſtance, yielded to all the terms required of him: He renounced the French alliance; he engaged to maintain the treaty of Troye; he acknowleged the duke

* Monſtrelet, vol. 2. p. 32, 33. Holingſhed, p. 597.

of

of Bedford for regent of France; and promiſed to do homage for his dutchy to King Henry *. And the Engliſh prince, having thus freed himſelf from a dangerous enemy who lay behind him, reſolved on an undertaking, which, if ſucceſsful, would, he hoped, caſt the balance between the two nations, and prepare the way for the final conqueſt of France. Chap. XX. 1426.

THE city of Orleans was ſo ſituated between the provinces commanded by Henry, and thoſe poſſeſſed by Charles, that it opened an eaſy entrance to either; and as the duke of Bedford intended to make a great effort to penetrate into the ſouth of France, it behoved him to begin with this place, which, in the preſent circumſtances, was become the moſt important in the kingdom. He committed the conduct of the enterprize to the earl of Saliſbury, who had newly brought him over a re-inforcement of 6000 men from England, and who had much diſtinguiſhed himſelf, by his abilities, during the courſe of the preſent wars. Saliſbury, paſſing the Loire, made himſelf maſter of ſeveral ſmall places, which ſurrounded Orleans on that ſide †; and as his intentions were thereby known, the French King uſed every expedient to ſupply the city with a garriſon and proviſions, and enable it to maintain a long and obſtinate ſiege. The lord of Gaucour, a brave and experienced captain, was appointed governor: Many officers of diſtinction threw themſelves into the place: The troops, which they conducted, were enured to war, and were determined to make the moſt obſtinate reſiſtance: And even the inhabitants, diſciplined by the long continuance of hoſtilities, were well qualified, in their own defence, to ſecond the efforts of the moſt veteran forces. The eyes of all Europe were turned towards this ſcene; where, it was reaſonably ſuppoſed, the French were to make their laſt ſtand for maintaining the independance of their monarchy, and the rights of their ſovereign. 1428. Siege of Orleans.

THE earl of Saliſbury at laſt approached the place with an army, which conſiſted only of 10,000 men; and not being able, with ſo ſmall a force, to inveſt ſo great a city, that commanded a bridge over the Loire, he ſtationed himſelf on the ſouthern ſide towards Sologne, leaving the other, towards the Beauſſe, ſtill open to the enemy. He there attacked the fortifications, which guarded the entry to the bridge; and after an obſtinate reſiſtance, he carried ſeveral of them: But was himſelf killed by a cannon ball as he was taking a view of the enemy ‡. The earl of Suffolk ſucceeded to the command; and being re-inforced with great numbers of Engliſh and Burgundians, he paſſed the river with the main body of his army, and inveſted Orleans on the other ſide. As it was now the depth of winter,

* Monſtrelet, vol. 2. p. 35, 36.
† Monſtrelet, vol. 2. p. 38, 39. Poly. Virg. p. 468.
‡ Hall, fol. 105. Monſtrelet, vol. 2. p. 39. Stowe, p. 369. Holingſhed, p. 599. Graſton, p. 531.

Suffolk,

Chap. XX. 1428. Suffolk, who found it difficult, in that ſeaſon, to throw up intrenchments all around, contented himſelf, for the preſent, with erecting redoubts at different diſtances, where his men were lodged in ſafety, and were ready to intercept the ſupplies, which the enemy might attempt to throw into the place. Tho' he had ſeveral pieces of artillery in his camp, (and this is the firſt ſiege in Europe, where cannon were found to be of importance) the art of engineering was hitherto ſo imperfect, that Suffolk truſted more to famine than force for ſubduing the city; and he propoſed in the ſpring to render the circumvallation more compleat, by drawing intrenchments from one redoubt to another. Numberleſs feats of valour were performed both by the beſiegers and beſieged during this winter: Bold ſallies were made, and repulſed with equal boldneſs: Convoys were ſometimes introduced and often intercepted: The ſupplies were ſtill unequal to the conſumption of the place: And the Engliſh ſeemed daily, tho' ſlowly, to be advancing towards the completion of their enterprize.

1429. BUT while they lay in this ſituation, the French parties ravaged all the country around; and the beſiegers, who were obliged to draw their proviſions from a diſtance, were themſelves expoſed to the danger of want and famine. Sir John Faſtolffe was bringing up a large convoy, of every kind of ſtores, which he eſcorted with a detachment of 2,500 men; when he was attacked by a body of 4000 French, under the command of the counts of Clermont and Dunois. Faſtolffe drew up behind his waggons; but the French generals, cautious of attacking him in that poſture, planted a battery of cannon againſt him, which threw every thing into confuſion, and would have enſured them the victory; had not the impatience of ſome Scots troops, who broke the line of battle, brought on an engagement, in which Faſtolffe was victorious. The count de Dunois was wounded; and above 500 French were left on the field of battle. This action, which was of great importance in the preſent conjuncture, was commonly called the battle of *Herrings*; becauſe the convoy brought a great quantity of that kind of proviſions, for the uſe of the Engliſh army during the Lent ſeaſon *.

CHARLES ſeemed now to have but one expedient for ſaving this city, which had been ſo long inveſted. The duke of Orleans, who was ſtill priſoner in England, prevailed on the protector and the council to conſent, that all his demeſnes ſhould be allowed to preſerve a neutrality during the war, and ſhould be ſequeſtered, for greater ſecurity, into the hands of the duke of Burgundy. This

* Hall. fol. 106. Monſtrelet, vol. 2. p. 41, 42. Stowe, p. 369. Holingſhed, p. 600. Polyd. Virg. p. 469. Graſton, p. 532.

prince,

prince, who was much leſs cordial in the Engliſh intereſts than formerly, went to Paris, and made the propoſal to the duke of Bedford; but the regent replied very coldly, that he was not of a humour to beat the buſhes, while others ran away with the game: An anſwer, which ſo much diſguſted the duke, that he recalled all the troops of Burgundy, that acted in the ſiege *. The place, however, was every day more and more cloſely inveſted by the Engliſh: Great ſcarcity began already to be felt by the garriſon and inhabitants: Charles, in deſpair of collecting an army, which ſhould dare to approach the enemy's entrenchments, not only gave the city for loſt, but began to entertain a very diſmal proſpect with regard to the general ſtate of his affairs. He ſaw that the country, in which he had hitherto, with great difficulty, ſubſiſted, would be laid entirely open to the invaſion of a powerful and victorious enemy; and he talked already of retiring with the remains of his forces into Languedoc and Dauphiny, and of defending himſelf as long as poſſible in that diſtant quarter. But it was fortunate for this good prince, that he lay under the dominion of women; and that the women, whom he conſulted, had the ſpirit to ſupport his ſinking reſolutions in this deſperate extremity. Mary of Anjou, his Queen, a princeſs of great merit and prudence, vehemently oppoſed this meaſure, which, ſhe foreſaw, would diſcourage all his partizans, and ſerve as a general ſignal for deſerting a prince, who ſeemed himſelf to deſpair of ſucceſs. His miſtreſs too, the fair Agnes Sorel, who lived in entire amity with the Queen, ſeconded all her remonſtrances, and threatened, that, if he thus puſillanimouſly threw away the ſcepter of France, ſhe would ſeek in the court of England a fortune more correſpondent to her wiſhes. Love was able to rouze in the breaſt of Charles that courage, which ambition had failed to excite: He reſolved to diſpute every inch of ground with an imperious enemy; and rather to periſh with honour in the midſt of his friends than yield ingloriouſly to his bad fortune: When relief was unexpectedly brought him by another female of a very different character, who gave riſe to one of the moſt ſingular revolutions, that is to be met with in hiſtory. Chap. XX. 1429.

In the village of Domremi near Vaucouleurs, on the borders of Lorraine, there lived a country girl of twenty-ſeven years of age, called Joan d'Arc, who was ſervant in a ſmall inn, and who in that ſtation had been accuſtomed to tend the horſes of the gueſts, to ride them without a ſaddle to the watering-place, and to perform other offices, which, in well-frequented inns, commonly fall to to the ſhare of the men ſervants †. This girl was of an irreproachable life, and The maid of Orleans.

* Hall, fol. 106. Monſtrelet, vol. 2. p. 42. Stowe, p. 369. Grafton, p. 533.

† Hall, fol. 107. Monſtrelet, vol. 2. p. 42. Grafton, p. 534.

had

Chap. XX. 1429. had not hitherto been remarked for any ſingularity; whether that ſhe had met with no occaſion to excite her genius, or that the unſkilful eyes of thoſe, who converſed with her, had not been able to diſcern her uncommon merit. It is eaſy to imagine, that the preſent ſituation of France was an intereſting object even to perſons of the loweſt rank, and would become the frequent ſubject of their converſation: A young prince, expelled his native throne, by the ſedition of ſubjects and by the arms of ſtrangers, could not fail to move the compaſſion of all his people, whoſe hearts were uncorrupted by faction; and the peculiar character of Charles, ſo ſtrongly inclined to friendſhip and the tender paſſions, naturally rendered him the hero of that ſex, whoſe generous minds know no bounds in their affections. The ſiege of Orleans, the progreſs of the Engliſh before that place, the great diſtreſs of the garriſon and inhabitants, the importance of ſaving the city and its brave defenders, had turned thither the eyes of all the world; and Joan, inflamed by the general ſentiment, was ſeized with a wild deſire of bringing relief to her ſovereign in his preſent diſtreſſes. Her unexperienced mind, working day and night on this favourite object, miſtook the impulſes of her paſſion for heavenly inſpirations; and ſhe fancied, that ſhe ſaw viſions and heard voices, exhorting her to re-eſtabliſh the throne of France, and to expel the foreign invaders. An uncommon intrepidity of temper made her overlook all the dangers, which might attend her in ſuch a path; and thinking herſelf deſtined by heaven to this office, ſhe threw aſide that baſhfulneſs and timidity, which would naturally adhere to her ſex, her years, and her low ſtation. She went to Baudricourt, governor of Vaucouleurs; procured admiſſion to him; informed him of her inſpirations and intentions; and conjured him not to neglect the voice of God, who ſpoke thro' her, but to ſecond thoſe heavenly revelations, which impelled her to this glorious enterprize. Baudricourt treated her at firſt with ſome neglect; but on her frequent returns to him, and importunate ſollicitations, he began to remark ſomething extraordinary in the maid, and was inclined, at all hazards, to make ſo eaſy an experiment. It is uncertain, whether this gentleman had diſcernment enough to perceive, that great uſe might be made with the vulgar of ſo uncommon an engine; or, what is more likely in that credulous age, was himſelf a convert to this viſionary: But he adopted at laſt the ſcheme of Joan; and he gave her ſome attendants, who conducted her to the French court, which at that time reſided at Chinon.

It is the buſineſs of hiſtory to diſtinguiſh between the *miraculous* and the *marvellous*; to reject the firſt in all narrations merely profane and human; to ſcruple the ſecond; and when obliged by undoubted teſtimony, as in the preſent caſe, to admit of ſomething extraordinary, to receive as little of it as is conſiſtent

sistent with the known facts and circumstances. It is pretended, that Joan, immediately on her admission, knew the King, tho' she had never seen his face before, and tho' he purposely kept himself in the crowd of courtiers, and had laid aside every thing in his dress and apparel, which might distinguish him: That she offered him, in the name of the supreme Creator, to raise the siege of Orleans, and conduct him to Rheims to be there crowned and anointed; and on his expressing some doubts of her mission, revealed to him, before some sworn confidents, a secret, which was unknown to all the world but himself, and which nothing but a heavenly inspiration could discover to her: And that she demanded, as the instrument of her future victories, a particular sword, which was kept in the church of St. Catharine de Fierbois, and which, tho' she had never seen it, she described by all its marks, and by the place in which it had long been laid and neglected *. This is certain, that all these miraculous stories were spread abroad, in order to catch the vulgar. The more the King and his ministers were determined to give into the illusion, the more scruples they pretended. An assembly of grave doctors and theologians cautiously examined Joan's mission, and pronounced it undoubted and supernatural. She was sent to the parliament, then residing at Poictiers; and was interrogated before that assembly: The presidents, the counsellors, who came persuaded of her imposture, went away convinced of her inspiration. A ray of hope began to break thro' that despair, in which the minds of all men were before enveloped. Heaven had now declared itself in favour of France, and had laid bare its out-stretched arm to take vengeance on her invaders. Few could distinguish between the impulse of inclination and the force of conviction; and none would submit to the trouble of so disagreeable a scrutiny. Chap. XX. 1429.

After these artificial precautions and preparations had been for some time employed, Joan's requests were at last complied with: She was armed cap-apee, mounted on horseback, and shown in that martial habiliment before the whole people. Her dexterity in managing her steed, tho' acquired in her former occupation, was regarded as a new proof of her mission; and she was received with the loudest acclamations by the spectators. Her former occupation was even denied: She was no longer the servant of an inn: She was converted into a shepherdess, an employment much more agreeable to the imagination. To render her still more interesting, near ten years were subtracted from her age; and all the sentiments of love and of chivalry, were thus united to those of enthusiasm, in order to inflame the fond fancy of the people with prepossessions in her favour.

* Hall, fol. 107. Holingshed, p. 600.

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When the engine was thus dreſſed up in full ſplendor, it was time to eſſay its force againſt the enemy. Joan was ſent to Blois, where a large convoy was prepared for the ſupply of Orleans, and an army of ten thouſand men, under the command of St. Severe, aſſembled to eſcort it. She ordered all the ſoldiers to confeſs themſelves before they ſet out on the enterprize: She baniſhed from the camp all women of bad fame: She diſplayed in her hands a conſecrated banner; where the Supreme Being was repreſented, graſping the globe of earth, and ſurrounded with Flower de Luces. And ſhe inſiſted, in right of her prophetic miſſion, that the convoy ſhould enter Orleans, by the direct road from the ſide of Beauſſe; but the count de Dunois, unwilling to ſubmit the rules of the military art to her inſpirations, ordered it to approach by the other ſide of the river, where, he knew, the weakeſt part of the Engliſh army was ſtationed.

Previous to this attempt, the maid had wrote to the regent and to the Engliſh generals before Orleans, commanding them, in the name of the omnipotent Creator, by whom ſhe was commiſſioned, immediately to raiſe the ſiege and to evacuate France; and menacing them with divine vengeance in caſe of their diſobedience. All the Engliſh affected to ſpeak with deriſion of the Maid and of her heavenly commiſſion; and ſaid, that the French King was now indeed reduced to a ſorry paſs, when he had recourſe to ſuch ridiculous expedients: But they felt their imagination ſecretly ſtruck with the vehement perſuaſion, which prevailed in all around them; and they waited with an anxious expectation, not unmixed with horror, for the iſſue of theſe extraordinary preparations.

As the convoy approached the river, a ſally was made by the garriſon on the ſide of Beauſſe, to prevent the Engliſh general from ſending any detachment to
29th April. the other ſide: The proviſions were peaceably embarked in boats, which the inhabitants of Orleans had ſent to receive them: The maid covered with her troops the embarkation: Suffolk ventured not to attack her: And the French general carried back the army in ſafety to Blois; an alteration of affairs, which was already viſible to all the world, and which had a proportional effect on the minds of both parties.

The Maid entered the town of Orleans, arrayed in her military garb, and diſplaying her conſecrated ſtandard; and was received, as a celeſtial deliverer, by all the inhabitants. They now believed themſelves invincible under her ſacred influence; and Dunois himſelf, perceiving ſuch a mighty alteration both in friends and foes, conſented, that the next convoy, which was expected in a few days, ſhould enter by the ſide of Beauſſe. The convoy approached: No
4th May. ſign of reſiſtance appeared in the beſiegers: The waggons and troops paſſed without

without interruption between the redoubts of the Engliſh: A dead ſilence and aſtoniſhment reigned among thoſe troops, formerly ſo elated with victory, and ſo fierce for the combat. Chap. XX. 1429.

THE earl of Suffolk was in a ſituation very unuſual and extraordinary; and which might well confound the man of the greateſt capacity and firmeſt temper. He ſaw his troops overawed, and ſtrongly impreſſed with the idea of a divine influence, accompanying the Maid. Inſtead of baniſhing theſe vain terrors by hurry and action and war, he waited till the ſoldiers ſhould recover from the panic; and he thereby gave leizure for theſe prepoſſeſſions to ſink ſtill deeper into their minds. The military maxims, which are prudent in common caſes, deceived him in theſe unaccountable events. The Engliſh felt their courage daunted and overwhelmed; and thence inferred a divine vengeance hanging over them. The French drew the ſame inference from an inactivity ſo new and unexpected. Every circumſtance was now reverſed in the opinions of men, on which all depends: The ſpirit, reſulting from a long courſe of uninterrupted ſucceſs, was on a ſudden transferred from the victors to the vanquiſhed.

THE Maid called aloud, that the garriſon ſhould remain no longer on the defenſive; and ſhe promiſed her followers the aſſiſtance of heaven in attacking thoſe redoubts of the enemy, which had ſo long kept them in awe, and which they had never hitherto dared to inſult. The generals ſeconded her ardor: An attack was made on one redoubt, and it proved ſucceſsful *: All the Engliſh, who defended the entrenchments, were put to the ſword or taken priſoners: And Sir John Talbot himſelf, who had drawn together, from the other redoubts, ſome troops to bring them relief, dared not to appear in the open field againſt ſo formidable an enemy.

NOTHING ſeemed impoſſible after this ſucceſs to the Maid and her enthuſiaſtic votaries. She urged the generals to attack the main body of the Engliſh in their entrenchments: But Dunois, ſtill unwilling to hazard the fate of France by too great temerity, and ſenſible that the leaſt reverſe of fortune would make all the preſent viſions evaporate, and reſtore every thing to its former condition, checked her vehemence, and propoſed to her, firſt to expel the enemy from their forts on the other ſide of the river, and thus lay the communication with the country entirely open, before ſhe attempted any more hazardous enterprize. Joan was perſuaded, and theſe forts were vigorouſly aſſailed. In one attack the French were repulſed; the Maid was left almoſt alone; ſhe was obliged to retreat, and join the runaways; but diſplaying her ſacred ſtandard, and animating them

* Monſtrelet, vol. 2. p. 45.

Chap. XX. 1429. with her countenance, her geſtures, her exhortations, ſhe led them back to the charge, and overpowered the Engliſh in their entrenchments. In the attack of another fort, ſhe was wounded in the neck with an arrow; ſhe retreated a moment behind the aſſailants; ſhe pulled out the arrow with her own hands; ſhe had the wound quickly dreſſed; and ſhe haſtened back to head the troops, and to plant her victorious banner on the ramparts of the enemy.

By all theſe ſucceſſes, the Engliſh were entirely chaced from their fortifications on that ſide: They had loſt above ſix thouſand men in theſe different actions; and what was ſtill more important, their wonted courage and confidence was wholly gone, and had given place to amazement and deſpair. The Maid returned triumphant over the bridge, and was again received as the guardian angel of the city. After performing ſuch miracles, ſhe convinced the moſt obdurate incredulity of her divine miſſion: Men felt themſelves animated as by a ſuperior energy, and thought nothing impoſſible to that divine hand, which ſo viſibly conducted them. It was in vain even for the Engliſh generals to oppoſe with their ſoldiers the prevailing opinion of ſupernatural influence: They themſelves were probably moved by the ſame belief: The utmoſt they dared to advance, was, that Joan was not an inſtrument of God; ſhe was only the implement of the Devil: But as the Engliſh had felt, to their ſad experience, that the Devil might be allowed ſometimes to prevail, they derived not much conſolation from the enforcing of this opinion.

The ſiege of Orleans raiſed.

8th May.

It might prove extremely dangerous for Suffolk, with ſuch intimidated troops, to remain any longer in the preſence of ſuch a courageous and victorious enemy; and he therefore raiſed the ſiege, and retreated with all the precautions imaginable. The French reſolved to puſh their conqueſts, and to allow the Engliſh no leizure to recover from their conſternation. Charles formed a body of ſix thouſand men, and ſent them to attack Jergeau, whither Suffolk had retired with a detachment of his army. The ſiege laſted ten days; and the place was obſtinately defended. Joan diſplayed her wonted intrepidity on this occaſion. She deſcended into the foſſee, in leading the attack; and ſhe there received a blow on the head with a ſtone, by which ſhe was confounded and beat to the ground: But ſhe ſoon recovered herſelf; and in the end rendered the aſſault ſucceſsful: Suffolk was obliged to yield himſelf priſoner to a Frenchman called Renaud; but before he ſubmitted, he aſked his adverſary, whether he was a gentleman. On receiving a ſatisfactory anſwer, he demanded, whether he was a knight. Renaud replied, that he had not yet attained that honour. *Then I make you one*, replied Suffolk: Upon which, he gave him the blow with his ſword,

sword, which dubbed him into that fraternity; and he immediately surrendered himself his prisoner. Chap. XX. 1429.

The remainder of the English army was commanded by Fastolfe, Scales and Talbot, who thought of nothing but of making their retreat, as soon as possible, into a place of safety; while the French esteemed the overtaking them equivalent to a victory. So much had the events, which passed before Orleans, altered every thing between the two nations! The vanguard of the French under Xaintrailles attacked the rear of the enemy at the village of Patay. The battle lasted not a moment: The English were discomfited and fled: The brave Fastolfe himself showed the example of flight to his troops; and the order of the garter was taken from him, as a punishment for this instance of cowardice *. Two thousand men were killed in this action; and both Talbot and Scales taken prisoners. 18th June.

In the account of all these successes, the French writers, to magnify the wonder, represent the Maid (who was now known by the appellation of *the maid of Orleans*) as not only active in the combats, but as performing the office of general; directing the troops, conducting the military operations, and swaying the deliberations in all councils of war. It is certain, that the policy of the French court endeavoured to maintain this appearance with the public: But it is much more probable, that Dunois and the wiser commanders prompted her in all her measures, than that a country girl, without experience or education, could, on a sudden, become expert in a profession, which requires more genius and capacity, than any other active scene of life. It is sufficient praise, that she could distinguish the persons on whose judgment she might rely; that she could seize their hints and suggestions, and, on a sudden, deliver their opinion as her own; and that she could curb, on occasion, that visionary and enthusiastic spirit, with which she was undoubtedly actuated, and could temper it with prudence and discretion.

The raising of the siege of Orleans was one part of the Maid's promise to Charles: The crowning him at Rheims was the other: And she now insisted vehemently, that he should forthwith set out on that enterprize. A few weeks before, such a proposal would have appeared the most extravagant in the world. Rheims lay in a distant quarter of the kingdom; was then in the hands of a victorious enemy; the whole road, which led to it, was occupied by their garrisons; and no imagination could be so sanguine as to think, that such an attempt could so soon come within the bounds of possibility. But as it was ex-

* Monstrelet, vol. 2. p. 46.

tremely

Chap. XX. 1429. tremely the intereſt of Charles to maintain the belief of ſomething extraordinary and divine in theſe events, and to avail himſelf of the preſent conſternation of the Engliſh; he reſolved to follow the exhortations of his warlike propheteſs, and to lead his army upon this promiſing adventure. Hitherto, he had kept remote from the ſcene of war: As the ſafety of the ſtate depended entirely upon his perſon, he had been perſuaded to reſtrain his military ardour: But obſerving this proſperous turn of affairs, he now determined to appear at the head of his armies, and to ſet the example of valour to all his ſoldiers. And the French nobility ſaw at once their young ſovereign aſſuming a new and more brilliant character, ſeconded by fortune, and conducted by the hand of heaven; and they caught freſh zeal to exert themſelves in replacing him on the throne of his anceſtors.

The King of France crowned at Rheims.

CHARLES ſet out for Rheims at the head of twelve thouſand men: He paſſed by Troye, which opened its gates to him: Chalons imitated the example: Rheims ſent him a deputation with its keys before his approach to it: And he ſcarce perceived, as he paſſed along, that he was marching thro' an enemy's country.

17th July. The ceremony of his coronation was here performed * with the holy oil, which a pigeon had brought to King Clovis from heaven, on the firſt eſtabliſhment of the French monarchy: The maid of Orleans ſtood by his ſide, in compleat armour, and diſplaying her ſacred banner, which had ſo often diſſipated and confounded his fierceſt enemies: And the people ſhouted with the moſt unfeigned joy, on viewing ſuch a complication of wonders. After the completion of the ceremony, the Maid threw herſelf at the King's feet, embraced his knees, and with a flood of tears, which pleaſure and tenderneſs extorted from her, ſhe congratulated him on this ſingular and marvellous event.

CHARLES, thus crowned and anointed, became more venerable in the eyes of all his ſubjects, and ſeemed, in a manner, to receive anew, from a heavenly commiſſion, his title to their allegiance. The inclinations of men ſwaying their belief, no one doubted of the inſpirations and prophetic ſpirit of the Maid: So many incidents, which paſſed all human comprehenſion, left little room to queſtion a ſuperior influence: And the real and undoubted facts gave credit to every exaggeration, which could ſcarce be rendered more wonderful. Laon, Soiſſons, Chateau-Thierri, Provins, and many other towns and fortreſſes in that neighbourhood, immediately after Charles's coronation, ſubmitted to him on the firſt ſummons; and the whole nation was diſpoſed to give him the moſt zealous teſtimonies of their duty and affection.

* Monſtrelet, vol. 2. p. 48.

NOTHING

Chap. XX.

1429.

Prudence of the duke of Bedford.

NOTHING can impreſs us with a higher idea of the wiſdom, addreſs, and reſolution of the duke of Bedford, than his being able to maintain himſelf in ſo perilous a ſituation, and to preſerve ſome footing in France, after the defection of ſo many places, and amidſt the univerſal inclination of the reſt to imitate that contagious example. This prince ſeemed preſent every where by his vigilance and foreſight: He employed each reſource, which fortune had yet left him: He held all the Engliſh garriſons in a poſture of defence: He kept a watchful eye over every attempt among the French towards an inſurrection: He retained the Pariſians in obedience, by employing alternately careſſes and ſeverity: And knowing that the duke of Burgundy was already wavering in his fidelity, he acted with ſo much ſkill and prudence, as to renew, in this dangerous criſis, an alliance, which was ſo important to the credit and ſupport of the Engliſh government.

THE ſmall ſupplies which he received from England ſet the talents of this great man in ſtill a ſtronger light. The ardour of the Engliſh for foreign conqueſts was now extremely abated by time and reflection: The parliament ſeems even to have become ſenſible of the danger, which might attend their farther progreſs: No ſupply of money could be obtained by the regent during his greateſt diſtreſſes; and men inliſted ſlowly under his ſtandard, or ſoon deſerted, by reaſon of the wonderful accounts, which had reached England, of the magic, and ſorcery, and diabolical power of the maid of Orleans *. It happened fortunately, in this emergency, that the biſhop of Wincheſter, now created a cardinal, landed at Calais with a body of 5000 men, which he was conducting into Bohemia, on a croiſade againſt the Huſſites. He was perſuaded to lend theſe troops to his nephew during the preſent difficulties †; and the regent was thereby enabled to take the field, and to oppoſe the French King, who was advancing with his army to the gates of Paris.

THE extraordinary capacity of the duke of Bedford appeared alſo in his military operations. He attempted to reſtore the courage of his troops by boldly advancing to the face of the enemy; but he choſe his poſts with ſo much caution, as always to decline a combat, and to render it impoſſible for Charles to attack him. He ſtill attended that prince in all his movements; covered his own towns and garriſons; and kept himſelf in a poſture to reap advantage from every imprudence or falſe ſtep of the enemy. The French army, which conſiſted moſtly of voluntiers, who ſerved at their own expence, ſoon after retired and was diſſolved: Charles went to Bourges, the ordinary place of his reſidence; but not

* Rymer, vol. 10. p. 459, 472. † Rymer, vol. 10. p. 421.

Chap. XX. till he had made himſelf maſter of Compiegne, Beauvais, Senlis, Sens, Laval, Lagni, St. Denis, and of many places in the neighbourhood of Paris, which the affections of the people had put into his hands.

1430. THE regent endeavoured to revive the declining ſtate of his affairs, by bringing over the young King of England, and having him crowned and acknowledged King of France at Paris *. All the vaſſals of the crown, who lived within the provinces poſſeſſed by the Engliſh, ſwore anew allegiance and did homage to him. But this ceremony was cold and inſipid in compariſon of the eclat which had attended the coronation of Charles at Rheims; and the duke of Bedford expected more effect from an accident, which put into his hands the perſon, who had been the author of all his calamities.

THE maid of Orleans, after the coronation of Charles, declared to the count de Dunois, that her wiſhes were now ſatisfied, and that ſhe had no farther deſire than to return to her former condition, and to the occupations and courſe of life, which became her ſex: But that nobleman, ſenſible of the mighty advantages, which might ſtill be reaped from her preſence in the army, exhorted her to perſevere, till, by the final expulſion of the Engliſh, ſhe had brought all her prophecies to their full completion. In purſuance of this advice, ſhe threw herſelf into the town of Compiegne, which was at that time beſieged by the duke of Burgundy, aſſiſted by the earls of Arundel and Suffolk; and the garriſon on her appearance believed themſelves thenceforth invincible. But their joy was of ſhort duration. The Maid, next day after her arrival, headed a ſally upon the quar-
25th May. ters of John de Luxembourg; ſhe twice drove the enemy from their entrenchments; finding their numbers to encreaſe every moment, ſhe ordered a retreat; when hard preſſed by the purſuers, ſhe turned upon them, and made them again recoil; but being here deſerted by her friends, and ſurrounded by the enemy, ſhe was at laſt, after exerting the utmoſt valour, taken priſoner by the Burgundians †. The common opinion was, that the French officers, finding the merit of every victory aſcribed to her, had, in envy to her renown, by which they themſelves were ſo much eclipſed, willingly expoſed her to this fatal accident.

THE envy of her friends on this occaſion was not a greater proof of her merit than the triumph of her enemies. A complete victory would not have given more joy to the Engliſh and their partizans. The ſervice of *te deum*, which has ſo often been prophaned by princes, was publickly celebrated on this fortunate event at Paris. The duke of Bedford fancied, that, by the captivity of that ex-

* Rymer, vol. 10. p. 432. † Stowe, p. 371.

traordinary woman, who had blaſted all his ſucceſſes, he would again recover his former aſcendant over France; and to puſh farther the preſent advantage, he purchaſed the captive from John de Luxembourg, and formed a proſecution againſt her, which, whether it proceeded from vengeance or policy, was equally barbarous, and diſhonourable. Chap. XX.

THERE was no poſſible reaſon, why Joan ſhould not be regarded as a priſoner of war, and be entitled to all the courteſy and good uſage, which civilized nations practiſe towards enemies on theſe occaſions. She had never, in her military capacity, forfeited, by any act of treachery or cruelty, her claim to that treatment: She was unſtained with any civil crime: Even the virtues and the very decorums of her ſex had ever been rigidly obſerved by her *: And tho' her appearing in war, and leading armies to battle, may ſeem an exception, ſhe had thereby performed ſuch ſignal ſervice to her prince, that ſhe had abundantly compenſated for this irregularity; and was even, on that very account, the more an object of praiſe and admiration. It was neceſſary, therefore, for the duke of Bedford to intereſt religion ſome way in the proſecution; and to cover under that cloak his flagrant violation of juſtice and humanity. 1431.

THE biſhop of Beauvais, a man wholly devoted to the Engliſh intereſt, preſented a petition againſt Joan, on pretence that ſhe was taken within the bounds of his dioceſe, and he deſired to have her tried by an eccleſiaſtical court for ſorcery, impiety, idolatry and magic: The univerſity of Paris was ſo mean as to join in the ſame requeſt: Several prelates, among whom the cardinal of Wincheſter was the only Engliſhman, were appointed her judges: They held their court in Roüen, where the young King of England then reſided: And the maid, cloathed in her former military apparel, but loaded with irons, was produced before this tribunal.

SHE firſt deſired to be eaſed of her chains: Her judges anſwered that ſhe had once already attempted an eſcape by throwing herſelf from a tower: She confeſſed the fact, maintained the juſtice of her intention, and owned, that, if ſhe could, ſhe would ſtill execute that purpoſe. All her other ſpeeches ſhowed the ſame firmneſs and intrepidity: Tho' harraſſed with interrogatories, during near the

* We learn from her trial in Paſquier, that when accuſed of having put to death Franquet d'Arras her priſoner, ſhe juſtified herſelf by ſaying, that he was a known robber, and lay under ſentence of death by a civil magiſtrate. She was ſo careful of obſerving decorums, that, when ſhe was in any town or garriſon, ſhe always went to bed with ſome women of character in the place: When in the camp, ſhe lay in armour, and always had one of her brothers on each ſide of her. The Engliſh never reproached her with any thing in regard to her morals.

Chap. XX. 1431. course of four months, she never betrayed any weakness or womanish submission; and no advantage was gained over her. The point, which her judges pushed most vehemently, was her visions and revelations and intercourse with departed saints; and they asked her, whether she would submit to the church the truth of these inspirations: She replied, that she would submit them to God, the fountain of truth. They then exclaimed, that she was a heretic, and denied the authority of the church. She appealed to the Pope: They rejected her appeal.

They asked her, why she put trust in her standard, which had been consecrated by magical incantations: She replied, that she put trust in the Supreme Being alone, whose image was impressed upon it. They demanded, why she carried in her hand that standard at the anointment and coronation of Charles at Rheims: She answered, that the person, who had shared the danger, was entitled to share the glory. When accused of going to war contrary to the decorums of her sex, and of assuming government and command over men; she scrupled not to reply, that her sole purpose was to defeat the English, and to expel them from the kingdom of France. In the issue, she was condemned for all the crimes of which she had been accused, aggravated by heresy; her revelations were declared to be inventions of the devil to delude the people; and she was sentenced to be delivered over to the secular arm.

Joan, so long surrounded by inveterate enemies, who treated her with every mark of contumely; brow-beaten and overawed by men of superior rank, and men invested with the ensigns of a sacred character, which she had been accustomed to revere; felt her spirit at last subdued, and those visionary dreams of inspiration, in which she had been buoyed up by the triumphs of success and the applauses of her own party, gave way to the terrors of that punishment to which she was sentenced. She publickly declared herself willing to recant; she acknowledged the illusion of those revelations which the church had rejected; and she promised never more to maintain them. Her sentence was then mitigated: She was condemned to perpetual imprisonment, and to be fed during life on bread and water.

Enough was now done to fulfill all political views, and to convince both the French and the English, that the opinion of divine influence, which had so much encouraged the one and daunted the other, was entirely without foundation. But the barbarous vengeance of Joan's enemies was not satisfied with this victory. Suspecting, that the female dress, which she had now consented to wear, was disagreeable to her, they purposely placed in her apartment a suit of man's apparel; and watched for the effect of that temptation upon her. On the sight of a dress, in which she had acquired so much renown, and which, she once believed,

believed, ſhe wore by the particular appointment of heaven, all her former ideas and paſſions revived; and ſhe ventured in her ſolitude to cloath herſelf again in the forbidden garment. Her inſidious enemies caught her in that ſituation: Her fault was interpreted to be no leſs than a relapſe into hereſy: No recantation would now ſuffice, and no pardon could be granted her. She was condemned to be burned in the market place of Roüen; and the infamous ſentence was accordingly executed. This admirable heroine, to whom the more generous ſuperſtition of the antients would have erected altars, was, on pretence of hereſy and magic, delivered over alive to the flames, and expiated by that dreadful puniſhment the ſignal ſervices, which ſhe had rendered to her prince and to her native country.

Chap. XX. 1431.

Execution of the maid of Orleans. 14th June.

THE affairs of the Engliſh, far from being advanced by this execution, went every day more and more to decay: The great abilities of the regent were unable to reſiſt the ſtrong inclination, which had ſeized the French to return under the obedience of their rightful ſovereign, and which that act of cruelty was ill fitted to remove. Chartres was ſurprized by a ſtratagem of the count de Dunois: A body of the Engliſh, under lord Willoughby, was defeated at St. Celerin upon the Sarte *: The fair in the ſuburbs of Caen, ſeated in the midſt of the Engliſh territories, was pillaged by de Lore, a French captain of reputation: The duke of Bedford himſelf was obliged by Dunois to raiſe the ſiege of Lagni with ſome diſhonour: And all theſe misfortunes, tho' light, yet being continued and uninterrupted, brought diſcredit to the Engliſh, and menaced them with an approaching loſs of all their conqueſts. But the chief detriment, which the regent ſuſtained, was by the death of his dutcheſs, who had hitherto preſerved ſome appearance of friendſhip between him and her brother, the duke of Burgundy †: And his marriage ſoon afterwards, with Jaqueline of Luxembourg, was the beginning of a breach between them ‡. Philip complained, that the regent had never had the civility to inform him of his intentions, and that ſo ſudden a marriage was a ſlight on his ſiſter's memory. The cardinal of Wincheſter mediated a reconciliation between theſe princes, and brought them both to St. Omers for that purpoſe. The duke of Bedford here expected the firſt viſit both as he was ſon, brother, and uncle to a King, and becauſe he had already made ſuch advances as to come into the duke of Burgundy's territories, in order to have an interview with him: But Philip, proud of his great power and independant dominions, refuſed to pay this compliment to the Regent: And the two princes,

1432.

* Monſtrelet, vol. 2. p. 100. Grafton, p. 554.

† Monſtrelet, vol. 2. p. 87.

‡ Stowe, p. 373.

Chap. XX. 1432.

unable to adjuſt the ceremonial, parted without ſeeing each other *. A very bad prognoſtic of their cordial intentions to renew paſt friendſhip and amity!

Defection of the duke of Burgundy.

NOTHING could be more repugnant to the intereſts of the houſe of Burgundy, than to unite the crowns of France and England on the ſame head; an event, which, had it taken place, would have reduced the duke to the rank of a petty prince, and have rendered his ſituation entirely dependant and precarious. The title alſo to the crown of France, which, after the failure of the elder branches, might accrue to the duke or his poſterity, had been ſacrificed by the treaty of Troye; and ſtrangers and enemies were thereby irrevocably fixed upon the throne. Revenge alone had carried Philip into theſe impolitic meaſures; and a point of honour had hitherto induced him to maintain them. But as it is the nature of paſſion gradually to decay; while the ſenſe of intereſt maintains an eternal influence and authority; the duke had, for ſome years, appeared ſenſibly to relent in his animoſity againſt Charles, and to hearken willingly to the apologies made by that prince for the murder of the late duke of Burgundy. His extreme youth was pleaded in his favour; his incapacity to judge for himſelf; the aſcendant gained over him by his miniſters; and his inability to reſent a deed, which, without his knowlege, had been perpetrated by thoſe under whoſe guidance he was then placed. The more to gratify the pride of Philip, the King of France had baniſhed from his court and preſence Tanegui de Chatel, and all thoſe concerned in that aſſaſſination; and had offered to make any other atonement, which could be required of him. The ills, which Charles had already ſuffered, had tended to gratify the duke's revenge; the miſeries to which France had been ſo long expoſed, had begun to move his compaſſion; and the cries of all Europe admoniſhed him, that his reſentment, which might hitherto be deemed pious, would, if carried farther, be univerſally condemned as barbarous and unrelenting. While the duke was in this diſpoſition, every diſguſt, which he received from England, made a double impreſſion upon him; the entreaties of the count de Richemont and the duke of Bourbon, who had married his two ſiſters, had weight; and he determined finally to unite himſelf to the royal family of France, from which his own was deſcended. For this purpoſe, a congreſs was appointed at Arras under the mediation of deputies from the Pope and the council of Baſle: The duke of Burgundy came thither in perſon: The duke of Bourbon, the count de Richemont and other perſons of high rank, appeared as ambaſſadors from France: And the Engliſh having alſo been invited to attend, the cardinal of Wincheſter, the archbiſhop of York, and others, received from the protector and council a commiſſion for that purpoſe †.

1435.

* Monſtrelet, vol. 2. p. 90. Grafton, p. 561.

† Monſtrelet, vol. 2. p. 110.

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THE conferences were held in the Abbey of St. Vaaſt; and began with diſcuſſing the propoſals of the two crowns, which were ſo wide of each other as to admit of no hopes of accommodation. England offered, that each party ſhould remain in poſſeſſion of what they had at preſent, after making ſome equal exchanges for mutual convenience: France offered to cede Normandy with Guienne, but both of them loaded with the uſual homage and vaſſalage to the crown. As the claims of England upon France were univerſally unpopular in Europe; the mediators declared the offers of Charles very reaſonable; and the cardinal of Wincheſter, with the Engliſh ambaſſadors, immediately left the congreſs. There remained nothing but to diſcuſs the mutual pretenſions of Charles and Philip. Theſe were eaſily adjuſted: The vaſſal was in a ſituation to give law to his ſuperior; and he exacted conditions, which, had it not been for the preſent neceſſity, would have been deemed, to the laſt degree, diſhonourable and diſadvantageous to the crown of France. Beſides making repeated atonements and acknowledgements for the murder of the duke of Burgundy, Charles was obliged to cede all the towns of Picardy which lay between the Somme and the Low Countries; he yielded ſeveral other territories; he agreed, that theſe and all the other dominions of Philip ſhould be held by him, during his life-time, without doing any homage or ſwearing fealty to the preſent King; and he freed his ſubjects from all obligations to allegiance, if ever he infringed this treaty *. Such were the conditions, upon which France purchaſed the friendſhip of the duke of Burgundy. Chap. XX. 1435. Auguſt.

THE duke ſent over a herald to England with a letter, in which he notified the concluſion of the treaty of Arras, and apologized for his departure from that of Troye. The council received the herald with great coldneſs: They even aſſigned him his lodgings in a ſhoemaker's houſe, by way of inſult; and the populace were ſo incenſed, that, if the duke of Gloceſter had not given him guards, his life would have been expoſed to danger, when he appeared in the ſtreets. The Flemings, and other ſubjects of Philip, were inſulted, and ſome of them murdered by the Londoners; and every thing ſeemed to tend towards a rupture between the two nations †. Theſe violences were not diſagreeable to the duke of Burgundy; as they afforded him a pretence for the farther meaſures, which he intended to take againſt the Engliſh, whom he now regarded as implacable and dangerous enemies.

A few days after the duke of Bedford received intelligence of this treaty, ſo fatal to the intereſts of England, he died at Roüen; a prince of great abilities, and of many virtues; and whoſe memory, except from the barbarous 14th Sept. Death of the duke of Bedford.

* Monſtrelet, vol. 2. p. 112. Graſton, p. 565.
† Monſtrelet, vol. 2. p. 120. Holingſhed, p. 612.

Chap. XX. 1435. execution of the maid of Orleans, was unſullied by any conſiderable blemiſh. Iſabella, Queen of France, died a little before him, deſpiſed by the Engliſh, deteſted by the French, and reduced in her latter years to regard with an unnatural horror, the progreſs and ſucceſſes of her own ſon, in recovering poſſeſſion of his kingdom. This period was alſo ſignalized by the death of the earl of Arundel *, a great Engliſh general, who, tho' he commanded three thouſand men, was foiled by Xaintrailles at the head of ſix hundred, and ſoon after expired of the wounds which he received in the action.

1436. THE violent factions, which prevailed in the court of England, between the duke of Gloceſter and the cardinal of Wincheſter, prevented the Engliſh from taking the proper meaſures for repairing theſe multiplied loſſes; and threw all their affairs into confuſion. The popularity of the duke and his near relation to the crown, gave him advantages in the conteſt, which he often loſt by his open and unguarded temper, unfit to ſtruggle with the politic and intereſted ſpirit of his rival. The balance, mean-while, of theſe parties, kept every thing in ſuſpence: Foreign affairs were much neglected: And tho' the duke of York, ſon to that earl of Cambridge who was executed in the beginning of the laſt reign, was appointed ſucceſſor to the duke of Bedford, it was ſeven months before his commiſſion paſſed the ſeals; and the Engliſh remained ſo long in an enemy's country, without a proper head or governor.

Decline of the Engliſh in France. THE new governor on his arrival found the capital already loſt. The Pariſians had always been more attached to the Burgundian than to the Engliſh intereſt; and after the concluſion of the treaty of Arras, their affections, without any farther controul, univerſally led them to return to their allegiance under their native ſovereign. The conſtable, together with Lile-Adam, the ſame perſon who had before put Paris into the hands of the duke of Burgundy, was introduced in the night time by intelligence with the citizens: The lord Willoughby, who commanded only a ſmall garriſon of 15,00 men, was expelled: That nobleman diſcovered great valour and preſence of mind on the occaſion; but unable to guard ſo large a place againſt ſuch multitudes, he retired into the Baſtile, and being there inveſted, delivered up the place, and was contented to ſtipulate for the ſafe retreat of his troops into Normandy †.

IN the ſame ſeaſon, the duke of Burgundy took openly part againſt England, and commenced hoſtilities by the ſiege of Calais, the only place which now gave the Engliſh any ſure hold of France, and ſtill rendered them dangerous. As he

* Monſtrelet, vol. 2. p. 105. Holingſhed, p. 610. † Monſtrelet, vol. 2. p. 127. Grafton, p. 568.

was

was beloved among his own ſubjects, and had acquired the epithet of *Good*, from his popular qualities, he was able to intereſt all the inhabitants of the Low-countries in the ſucceſs of this enterprize; and he inveſted that place with an army, very formidable from its numbers, but without experience, diſcipline, or military ſpirit *. On the firſt alarm of this ſiege, the duke of Gloceſter aſſembled ſome forces, ſent a defiance to Philip, and challenged him to wait the event of a battle, which he promiſed to give, as ſoon as the wind would permit him to reach Calais. The warlike genius of the Engliſh had at that time rendered them terrible to all the northern parts of Europe; much more to the Flemings, who were more expert in manufactures, than in arms; and the duke of Burgundy, being already foiled in ſome attempts before Calais, and obſerving the diſcontent and terror of his own army, thought proper to raiſe the ſiege, and to retreat into his own territories, before the arrival of the enemy †. Chap. XX. 1436. 26th June.

The Engliſh were ſtill maſters of many fine provinces in France; but retained poſſeſſion, more by the extreme weakneſs of Charles, than by the ſtrength of their own garriſons or the force of their armies. Nothing indeed can be more ſurprizing than the feeble efforts made, during the courſe of ſeveral years, by theſe two potent nations againſt each other; while the one ſtruggled for independancy, and the other aſpired to a total conqueſt of its rival. The general want of induſtry, commerce, and police, in that age, had rendered all the European nations, and France and England no leſs than the others, unfit for bearing the burthens of war, when it was prolonged beyond one ſeaſon; and the continuance of hoſtilities had, long ere this time, exhauſted the force and patience of both theſe kingdoms. Scarce could the appearance of an army be brought into the field on either ſide; and all the operations conſiſted in the ſurprize of places, in the rencounter of detached parties, and in incurſions upon the open country; which were performed by ſmall bodies aſſembled on a ſudden from the neighbouring garriſons. In this method of conducting the war, the French King had much the advantage: The affections of the people were entirely on his ſide: Intelligence was early brought him of the ſtate and motions of the enemy: The inhabitants were ready to join in any attempts againſt the garriſons: And thus ground was continually, tho' ſlowly, gained againſt the Engliſh. The duke of York, who was a prince of ability, ſtruggled againſt theſe difficulties during the courſe of five years; and being aſſiſted by the valour of lord Talbot, ſoon after created earl of Shrewſbury, he performed actions which acquired him honour, but merit not the attention of poſterity. It would have been well, had this feeble war, in ſparing the blood of

* Monſtrelet, vol. 2. p. 126, 130, 132. Holingſhed, p. 613. Graſton, p. 571. † Monſtrelet, vol. 2. p. 136. Holingſhed, p. 614.

Chap. XX. 1436. the people, prevented likewiſe all other oppreſſions; and had the fury of men, which reaſon and juſtice cannot reſtrain, thus happily received a check from their impotence and inability. But the French and Engliſh, tho' they exerted ſuch ſmall force, were, however, ſtretching beyond their reſources, which were ſtill ſmaller; and the troops, deſtitute of pay, were obliged to ſubſiſt by plundering and oppreſſing the country, both of friends and enemies. The fields in all the north of France, which was the ſcene of war, were laid waſte and left uncultivated *. The cities were gradually depopulated, not by the blood ſpilt in war,

1440. but by the more deſtructive pillage of the garriſons: And both parties, weary of hoſtilities, which decided nothing, ſeemed at laſt deſirous of peace, and they ſet on foot negotiations for that purpoſe. But the propoſals which came from France and from England, were ſtill ſo wide of each other, that all hopes of accommodation immediately vaniſhed. The Engliſh ambaſſadors demanded reſtitution of all the provinces which had once been annexed to England, together with the final ceſſion of Calais and its diſtrict; and required the poſſeſſion of theſe extenſive territories without the burthen of any fealty or homage on the part of their prince: The French offered only part of Guienne, part of Normandy, and Calais, loaded with the uſual burthens. It appeared in vain to continue the negociation, while there was ſo little proſpect of agreement. The Engliſh were ſtill too haughty to ſtoop from the vaſt hopes, which they had formerly entertained, and to accept of terms more ſuitable to the preſent condition of the two kingdoms.

THE duke of York ſoon after reſigned his government to the earl of Warwic, a nobleman of reputation, whom death prevented from a long enjoyment of his dignity. The duke, upon the demiſe of this nobleman, returned to his charge, and during his adminiſtration a truce was concluded between the King of England and the duke of Burgundy, which had become neceſſary for the commercial intereſt of their ſubjects †. The war with France continued in the ſame languid and feeble ſtate as before.

THE captivity of five princes of the blood, taken priſoners in the battle of Azincour, was a conſiderable advantage which England long enjoyed above its enemy; but this ſuperiority was now entirely loſt. Some of theſe princes had died; ſome had been ranſomed for ſums of money; and the duke of Orleans, the moſt powerful among them, was the laſt who remained in the hands of the Engliſh. He offered the ſum of 54,000 nobles ‡ for his liberty; and when

* Graſton, p. 562. † Graſton, p. 573. ‡ Rymer, vol. 10. p. 764, 776, 782, 795, 796. This ſum was equal to 36,000 pounds ſterling of our preſent money. A ſubſidy of a tenth and fifteenth was fixed by Edward III. at 29,000 pounds, that is 58,000 of our preſent money. The parliament granted only one ſubſidy during the courſe of ſeven years, from 1437 to 1444.

this

this propoſal was laid before the council of England, as every queſtion was there an object of faction, the party of the duke of Gloceſter, and that of the cardinal of Wincheſter, were divided in their ſentiments with regard to it. The duke reminded the council of the dying advice of the late King, that none of theſe priſoners ſhould on any account be releaſed, till his ſon was of ſufficient age to hold, himſelf, the reins of government. The cardinal inſiſted on the greatneſs of the ſum profered, which in reality was near equal to two thirds of all the extraordinary ſupplies, that the parliament, during the courſe of ſeven years, granted for the ſupport of the war. And he added, that the releaſe of this prince was more likely to be advantageous than prejudicial to the Engliſh intereſts; by filling the court of France with faction, and giving a head to thoſe numerous malecontents, whom Charles was at preſent able with great difficulty to reſtrain. The cardinal's party, as uſual, prevailed: The duke of Orleans was releaſed, after a melancholy captivity of twenty-five years *: And the duke of Burgundy, as a pledge of his entire reconciliation with the family of Orleans, facilitated to that prince the payment of his ranſom. It muſt be confeſſed, that the princes and nobility in thoſe ages, went to war on very diſadvantageous terms. If they were taken priſoners, they either remained in captivity during life, or purchaſed their liberty at the price which the victors were pleaſed to impoſe, and which often reduced their families to beggary and want. Chap. XX. 1440.

THE ſentiments of the cardinal, ſome time after, prevailed in another point of ſtill greater moment. That prelate had always encouraged every propoſal of accommodation with France; and had repreſented the utter impoſſibility, in the preſent circumſtances, of puſhing farther the conqueſts in that kingdom, and the great difficulty of even maintaining thoſe which were already made. He inſiſted on the extreme reluctance of the parliament to grant ſupplies; the diſorders in which the Engliſh affairs in Normandy were involved; the daily progreſs made by the French King; and the advantage of ſtopping his hand by a temporary accommodation, which might leave room for time and accidents to operate in favour of the Engliſh. The duke of Gloceſter, high ſpirited and haughty, and educated in the lofty pretenſions, which the firſt ſucceſſes of his two brothers had rendered familiar to him, could not yet be induced to relinquiſh all hopes of prevailing over France; much leſs, could he ſee with patience, his own opinion thwarted and rejected by the influence of his rival in the Engliſh council. But notwithſtanding his oppoſition, the earl of Suffolk, a nobleman who always adhered to the cardinal's party, was diſpatched to Tours, in order to negotiate with 1443.

* Grafton, p. 578.

Chap. XX. 1443. 28th May. Truce with France.

the French miniſters. It was found impoſſible to adjuſt the terms of a laſting peace; but a truce for twenty-two months was concluded, which left every thing on the preſent footing between the parties. The numerous diſorders, under which the French government laboured, and which time alone could remedy, induced Charles to aſſent to this truce; and the ſame motives engaged him afterwards to prolong it *. But Suffolk, not content with executing this object of his commiſſion, proceeded alſo to finiſh another buſineſs, which ſeems rather to have been implied than included in the powers, which had been granted him †.

In proportion as Henry advanced in years, his character became fully known in the court, and was no longer ambiguous to either faction. Of the moſt harmleſs, inoffenſive, ſimple manners; but of the moſt ſlender capacity; he was fitted, both by the ſoftneſs of his temper, and the weakneſs of his underſtanding, to be perpetually governed by thoſe who ſurrounded him; and it was eaſy to foreſee, that his reign would prove a perpetual minority. As he had now reached the twenty-third year of his age, it was natural to think of chooſing him a queen; and each party was ambitious of having him receive one from their hand; as it was probable, that this circumſtance would decide forever the victory between them. The duke of Gloceſter propoſed a daughter of the count d'Armagnac; but had not credit to effectuate his purpoſe. The cardinal and his friends had caſt their eye on Margaret of Anjou, daughter of Regnier, titular King of Sicily, Naples, and Jeruſalem, deſcended from the count of Anjou, brother of Charles V. who had left theſe magnificent titles, but without any real power or poſſeſſions, to his poſterity. This princeſs herſelf was the moſt accompliſhed of her age both in body and mind; and ſeemed to poſſeſs thoſe qualities, which would equally qualify her to acquire the aſcendant over Henry, and to ſupply all his defects and weakneſſes. Of a maſculine, courageous ſpirit, of an enterprizing temper, endowed with ſolidity as well as vivacity of underſtanding, ſhe had not been able to conceal theſe great talents even in the privacy of her father's family; and it was reaſonable to expect, that, when ſhe ſhould mount the throne, they would break out with ſtill ſuperior luſtre. The earl of Suffolk, therefore, in concert with his aſſociates of the Engliſh council, made propoſals of marriage to Margaret, which were accepted. But this nobleman, beſides pre-occupying Margaret's favour by being the chief means of her advancement, endeavoured to ingratiate himſelf with her and her family, by very extraordinary conceſſions: Tho' the princeſs brought no dowry with her, he ventured of himſelf, without any direct authority from the council, but probably with the allowance of the cardinal, and the ruling members, to engage by a ſecret article, that the province of Maine, which was at that

Marriage of the King with Margaret of Anjou.

* Rymer, vol. 11. p. 101, 108, 206, 214. † Rymer, vol. 11. p. 53.

time

time in the hands of the Engliſh, ſhould be delivered up to Charles of Anjou her uncle *, who was prime miniſter and favorite of the French King, and who had already received from his maſter the grant of that province as his appanage. Chap. XX. 1443.

THE treaty of marriage was ratified in England: Suffolk obtained firſt the title of marquis, then that of duke; and even received the thanks of parliament, for his ſervices in concluding it †. The princeſs fell immediately into cloſe connexions with the cardinal and his party, the dukes of Somerſet, Suffolk, and Buckingham ‡; who, fortified by her powerful friendſhip, reſolved on the final ruin of the duke of Glocester.

THIS generous prince, worſted in all court intrigues, for which his temper was not ſuited, but poſſeſſing, in a high degree, the favour of the public, had already received from his rivals a moſt cruel mortification, which he had hitherto born patiently, but which it was impoſſible, that a perſon of his ſpirit and humanity could ever forgive. His dutcheſs, the daughter of Reginald, lord Cobham, had been accuſed of the crime of witchcraft, and it was pretended, that a waxen figure of the King was found in her poſſeſſion, which ſhe and her aſſociates, ſir Roger Bolingbroke a prieſt, and one Margery Jordan of Eye, melted in a magical manner before a ſlow fire, with an intention of making Henry's force and vigour waſte away, by like inſenſible degrees. The accuſation was well calculated to affect the weak and credulous mind of the King, and to gain belief in an ignorant age; and the dutcheſs was brought to trial with her confederates. The nature of this crime, ſo oppoſite to all common ſenſe, ſeems always to exempt the accuſers from obſerving the rules of common ſenſe in their evidence; The priſoners were pronounced guilty; the dutcheſs was condemned to do public penance, and to ſuffer perpetual impriſonment, and the others were executed §. But as theſe violent proceedings were aſcribed ſolely to the malice of the duke's enemies, the people, contrary to their uſual practice on ſuch occaſions, acquitted the unhappy ſufferers; and encreaſed their eſteem and affection towards a prince, who was thus expoſed, without protection, to ſuch mortal injuries. 1447.

THESE ſentiments of the public made the cardinal of Wincheſter and his party ſenſible, that it was neceſſary to deſtroy a man, whoſe popularity might become dangerous, and whoſe reſentment they had ſo much cauſe to apprehend. In order to effectuate their purpoſe, a parliament was ſummoned to meet, not at London, which was ſuppoſed to be too well affected to the duke, but at St. Edmondſbury, where they expected that he would lie entirely at mercy. As ſoon

* Grafton, p. 590. † Cotton, p. 630. ‡ Holingſhed, p. 626. § Stowe. p. 381. Holingſhed, p. 622. Grafton, p. 587.

Chap. XX. 1447. as he appeared, he was accuſed of treaſon, and thrown into priſon. He was ſoon after found dead in his bed *; and tho' it was pretended that his death was natural, and tho' his body, which was expoſed to public view, bore no marks of outward injury, no one doubted that he had fallen a ſacrifice to the vengeance of his enemies. A trick, formerly practiſed on Edward II. on Richard II. and on Thomas of Woodſtock, duke of Gloceſter, could deceive no body. The reaſon of this violence ſeems not, that the ruling party apprehended his acquital in parliament on account of his innocence, which, in ſuch times was ſeldom much regarded; but that they imagined his public trial and execution would have been more invidious than his private murder, which they pretended to deny. Some gentlemen of his retinue were afterwards tried for aiding him in his treaſons, and were condemned to be hanged, drawn and quartered. They were hanged and cut down; but juſt as the executioner was proceeding to quarter them, their pardon was produced, and they were recovered to life †. The moſt barbarous kind of mercy, that can poſſibly be imagined!

28th Feb.

Murder of the duke of Gloceſter.

THIS prince is ſaid to have received a more learned education than was uſual in his age, to have founded one of the firſt public libraries in England, and to have been a great patron of learned men. Among other advantages, which he reaped from this turn of mind, it tended much to cure him of credulity; of which the following inſtance is given by Sir Thomas More. There was a man, who pretended, that, tho' he was born blind, he had recovered his ſight by touching the ſhrine of St. Albans. The duke, happening ſoon after to paſs that way, queſtioned the man, and ſeeming to doubt of his ſight, aſked him the colour of ſeveral cloaks, worn by perſons in his retinue. The man told him very readily. *You are a knave*, cried the prince; *had you been born blind, you could not have diſtinguiſhed colours:* And immediately ordered him to be put in the ſtocks as an impoſtor ‡.

THE cardinal of Wincheſter died ſix weeks after his nephew, whoſe murder was univerſally aſcribed to him as well as to the duke of Suffolk, and which, it is ſaid, gave him more remorſe in his laſt moments, than could naturally be expected from a man hardened, during the courſe of a long life, in falſhood and in politics. What ſhare the Queen had in this guilt is uncertain; her uſual activity and ſpirit made the public conclude with ſome reaſon that the duke's enemies durſt not have ventured on ſuch a deed without her privity. But there happened ſoon after an event, of which ſhe and her favourite, the duke of Suffolk, bore unconteſtably the whole odium.

* Grafton, p. 597. † Fabian Chron. anno 1447. ‡ Grafton, p. 597.

That article of the marriage treaty, by which the province of Maine was to be yielded to Charles of Anjou, the Queen's uncle, had probably been hitherto kept a ſecret; and during the life-time of the duke of Gloceſter, it would have been dangerous to venture on the execution of it. But as the court of France inſiſted ſtrenuouſly on performance, orders were now diſpatched, under Henry's hand, to Sir Francis Surienne, governor of Mans, commanding him to ſurrender that place to Charles of Anjou. Surienne, either queſtioning the authenticity of the order, or regarding his government as his only fortune, refuſed compliance; and it became neceſſary for a French army under the count de Dunois, to lay ſiege to the city. The governor made as good a defence as his ſituation could permit; but receiving no relief from Edmund duke of Somerſet, who was at that time governor of Normandy, he was at laſt obliged to capitulate, and to ſurrender not only Mans, but all the other fortreſſes of that province, which was thus entirely alienated from the crown of England. Chap. XX. 1447.

The bad effects of this meaſure ſtopped not here. Surienne, at the head of all his garriſons, amounting to 2500 men, retired into Normandy, in expectation of being taken into pay, and of being quartered in ſome towns of that province. But Somerſet, who had no means of ſubſiſting ſuch a multitude, and who was probably incenſed at Surienne's diſobedience, refuſed to admit him; and this adventurer, not daring to commit depredations on the territories either of the King of France or of England, marched into Brittany, ſeized the town of Fougeres, repaired the fortifications of Pontorſon and St. James de Beuvron, and ſubſiſted his troops by the ravages, which he committed on all that province *. The duke of Brittany complained of this violence to the King of France, his liege lord: Charles remonſtrated with the duke of Somerſet: That nobleman replied, that the injury was done without his privity, and that he had no authority over Surienne and his companions †. Tho' this anſwer might appear very ſatisfactory to Charles, who had often felt ſeverely the licentious, independant ſpirit of ſuch mercenary ſoldiers, he never would admit the apology. He ſtill inſiſted, that theſe plunderers ſhould be recalled, and that reparation ſhould be made to the duke of Brittany for all the damages, which they had committed: And in order to render an accommodation abſolutely impracticable, he made the eſtimation of damages amount to no leſs a ſum than 1,600,000 crowns. He was ſenſible of the ſuperiority, which the preſent ſtate of his affairs gave him over England; and he determined to take advantage of it. 1448.

* Monſtrelet, vol. 3. p. 6. † Monſtrelet, vol. 3. p. 7. Hollingſhed, p. 629.

No

Chap. XX. 1448.

No ſooner was the truce concluded between the two kingdoms, than Charles employed himſelf, with great induſtry and judgment, in repairing thoſe numberleſs ills, to which France, from the continuance of wars both foreign and domeſtic, had ſo long been expoſed. He reſtored the courſe of public juſtice; he introduced order into the finances; he eſtabliſhed diſcipline in his troops; he repreſſed faction in his court; he revived the languid ſtate of agriculture and the arts; and in the courſe of a few years, he rendered his kingdom flouriſhing within itſelf, and formidable to all its neighbours. Mean while, affairs in England had taken a very different turn. The court was divided into parties, which were enraged againſt each other: The people were diſcontented with the government: Conqueſts in France, which were an object more of glory than of intereſt, were overlooked amidſt domeſtic incidents, which engroſſed all mens attention: The governor of Normandy, ill ſupplied with money, was obliged to diſmiſs the greater part of his troops, and to allow the fortifications of the towns and caſtles to fall into diſrepair: And the nobility and people of that province had, during the open communication with France, enjoyed frequent opportunities of renewing connexions with their antient maſter, and of concerting the means for

State of France.

1449.

expelling the Engliſh. The occaſion therefore ſeemed favourable to Charles for breaking the truce; and Normandy was at once invaded by four powerful armies; one commanded by the King himſelf; a ſecond by the duke of Brittany; a third by the duke of Alençon; and a fourth by the count de Dunois. The places opened their gates almoſt as ſoon as the French appeared before them: Verneüil, Nogent, Chateau Gaillard, Ponteau de mer, Giſors, Mante, Vernon, Argentan, Liſieux, Fecamp, Coutances, Beleſme, Pont de l'Arche, fell in an inſtant into the hands of the enemy: The duke of Somerſet, ſo far from having an army, which could take the field, and relieve theſe places, was not able to ſupply them with the neceſſary garriſons and proviſions: He retired with the few troops, of which he was maſter, into Roüen; and thought it ſufficient, if, till the arrival of ſuccours from England, he could ſave that capital from the general fate of the province. The King of France, at the head of a formidable army, fifty thouſand ſtrong, preſented himſelf before the gates: The dangerous example of revolt had infected the inhabitants, and they called aloud for a capitulation. Somerſet, unable to reſiſt at once both the enemies within and from without, retired with his garriſon into the palace and caſtle; which, being places not tenable, he was obliged to ſurrender: He purchaſed a retreat to Harfleur by the payment of 56,000 crowns, by engaging to ſurrender Arques, Tancarville, Caudebec, Honfleur, and other places in the higher Normandy, and by deliver-

Renewal of the war with France.

4th Nov.

ing hoſtages for the performance of theſe articles *. The governor of Honfleur refuſed to obey his orders; upon which, the earl of Shrewſbury, who was one of the hoſtages, was detained priſoner; and the Engliſh were thus deprived of the only general, capable of recovering them from their preſent diſtreſſed ſituation. Harfleur made a better defence under Sir Thomas Curſon, the governor; but was finally obliged to open its gates to the count de Dunois. Succours at laſt appeared from England under Sir Thomas Kyriel, and landed at Cherbourg: But theſe came very late, amounted only to 4000 men, and were ſoon after put to rout at Fourmigni by the count de Clermont †. This battle, or rather ſkirmiſh, was the only action fought by the Engliſh for the defence of their dominions in France, which they had purchaſed at ſuch an expence of blood and treaſure. Somerſet, ſhut up in Caen without any proſpect of relief, found it neceſſary to capitulate: Falaiſe opened its gates, on condition that the earl of Shrewſbury ſhould be reſtored to liberty: And Cherbourg, the laſt place of Normandy, which remained in the hands of the Engliſh, being delivered up, the conqueſt of that important province was finiſhed in a twelvemonth by Charles, to the infinite joy of the inhabitants and of his whole kingdom ‡. Chap. XX. 1450.

A LIKE rapid ſucceſs attended the French arms in Guienne; tho' the inhabitants of that province were, from long cuſtom, better inclined to the Engliſh government. The count de Dunois was diſpatched thither, and met with no reſiſtance in the field, and very little from the towns. Great improvements had been made during this age, in the ſtructure and management of artillery, and none in fortification; and the art of defence was by that means more unequal, than either before or ſince, to the art of attack. After all the ſmall places about Bourdeaux were reduced, that city agreed to ſubmit, if not relieved by a certain time; and as no one in England thought ſeriouſly of theſe diſtant concerns, no relief appeared; the place ſurrendered; and Bayonne being taken ſoon after, this whole province, which had remained united to England, ſince the acceſſion of Henry II. was, after a period of three centuries, finally ſwallowed up by the French monarchy. The Engliſh expelled France.

THO' no peace nor truce was concluded between France and England, the war was in a manner at an end. The Engliſh, torn in pieces by the civil diſſenſions which enſued, made but one feeble effort more for the recovery of Guienne: And Charles, occupied at home, in regulating the government, and fencing

* Monſtrelet, vol. 3. p. 21. Graſton, p. 643. † Holingſhed, p. 631.

‡ Graſton, p. 646.

againſt

Chap. XX. 1450. againſt the intrigues of his factious ſon, Lewis the Dauphin, ſcarce ever attempted to invade them in their iſland, or to retaliate upon them, by availing himſelf of their inteſtine confuſions.

CHAP. XXI.

HENRY VI.

Claim of the duke of York to the crown——The earl of Warwic——Impeachment of the duke of Suffolk——His baniſhment——and death——Popular inſurrection——The parties of York and Lancaſter——Firſt armament of the duke of York——Firſt battle of St. Albans——Battle of Blore-heath——of Northampton——A parliament——Battle of Wakefield——Death of the duke of York——Battle of Mortimer's Croſs——Second Battle of St. Albans——Edward IV. *aſſumes the crown——Miſcellaneous tranſactions of this reign.*

Chap. XXI. 1450. A WEAK prince, ſeated on the throne of England, had never failed, however gentle and innocent, to be infeſted with faction, diſcontent, rebellion, and civil commotions; and as the incapacity of Henry appeared every day in a fuller light, theſe dangerous conſequences began, from paſt experience, to be univerſally and juſtly apprehended. Men alſo of unquiet ſpirits, no longer employed in foreign wars, whence they were now excluded by the ſituation of the neighbouring ſtates, were the more likely to excite inteſtine diſorders, and by their emulation, rivalſhip, and animoſities, to tear the bowels of their native country. But tho' theſe cauſes alone were ſufficient to breed confuſion, there concurred another circumſtance of the moſt dangerous nature: A pretender to the crown appeared. The title itſelf of the weak prince, who enjoyed the name of ſovereignty, was diſputed: And the Engliſh were now to pay the ſevere, tho' late penalty, of their turbulence againſt Richard II. and of their levity in violating, without any neceſſity or juſt reaſon, the lineal ſucceſſion of their monarchs.

All

Chap. XXI.

1450. Claim of the duke of York to the crown.

ALL the males of the houſe of Mortimer were extinct; but Anne, the ſiſter of the laſt earl of Marche, having eſpouſed the earl of Cambridge, beheaded in the reign of Henry V. had tranſmitted her latent, but not yet forgotten claim to her ſon, Richard, duke of York. This prince, thus deſcended by his mother from Philippa, only daughter of the duke of Clarence, ſecond ſon of Edward III. ſtood plainly in the order of ſucceſſion before the King, who derived his deſcent from the duke of Lancaſter, third ſon of that monarch; and that claim could not, in many reſpects, have fallen into more dangerous hands than thoſe of the duke of York. Richard was a man of valour and abilities, of a prudent conduct and mild diſpoſitions: He had enjoyed an opportunity of diſplaying theſe virtues in his government of France: And tho' recalled from that command by the intrigues and ſuperior intereſt of the duke of Somerſet, he had been ſent to ſuppreſs a rebellion in Ireland; had ſucceeded much better in that enterprize than his rival in the defence of Normandy; and had even been able to attach to his perſon and family, the whole Iriſh nation, whom he was ſent to ſubdue *. In the right of his father, he bore the rank of firſt prince of the blood; and by this ſtation, he gave a luſtre to his title derived from the family of Mortimer, which, tho' of great nobility, was equaled by other families in the kingdom, and had been eclipſed by the royal deſcent of the houſe of Lancaſter. He poſſeſſed an immenſe fortune from the union of ſo many ſucceſſions, thoſe of Cambridge and York on the one hand, with thoſe of Mortimer on the other: Which laſt inheritance had before been augmented by an union of the eſtates of Clarence and Ulſter, with the patrimonial poſſeſſions of the family of Marche. The alliances too of Richard, in marrying the daughter of Ralph Nevil, earl of Weſtmoreland, had very widely extended his intereſt among the nobility, and had procured him many connexions in that formidable order.

THE family of Nevil was perhaps at this time the moſt potent, both from their opulent poſſeſſions and from the characters of the men, that has ever appeared in England. For beſides the earl of Weſtmoreland, the lords Latimer, Fauconbridge, and Abergavenny; the earls of Saliſbury and Warwic were of that family, and were of themſelves, on many accounts, the greateſt noblemen of the kingdom. The earl of Saliſbury, brother in law to the duke of York, was the eldeſt ſon by a ſecond marriage of the earl of Weſtmoreland; and inherited by his wife, daughter and heir of Montacute, earl of Saliſbury, killed before Orleans, the poſſeſſions and title of that great family. His eldeſt ſon, Richard, had married Anne, the daughter and heir of Beauchamp, earl of Warwic, who died governor of France; and by that alliance he enjoyed the poſſeſſions, and had

* Stowe, p. 387.

Chap. XXI. 1450. The earl of Warwic.

acquired the title of that other family, one of the moſt opulent, moſt antient, and moſt illuſtrious of the kingdom. The perſonal qualities alſo of theſe two earls, eſpecially of Warwic, enhanced the ſplendor of their nobility, and encreaſed their influence over the people. This latter nobleman, commonly known, from the ſubſequent events, by the appellation of the *King-maker*, had diſtinguiſhed himſelf, by his gallantry in the field, by the hoſpitality of his table, by the magnificence, and ſtill more by the generoſity of his expence, and by the ſpirited and bold manner, which attended him in all his actions. The undeſigning frankneſs and openneſs of his character rendered his conqueſt over mens affections the more certain and infallible: His preſents were regarded as ſure teſtimonies of eſteem and friendſhip; and his profeſſions as the overflowings of his genuine ſentiments. No leſs than 30,000 people are ſaid to have daily lived at his board in the different manors and caſtles which he poſſeſſed in England: The military men, allured by his munificence and hoſpitality, as well as by his bravery, were zealouſly attached to his intereſts: The people in general bore him an unlimited affection: His numerous retainers were more devoted to his will, than to the prince or to the laws: And he was the greateſt, as well as the laſt, of thoſe mighty barons, who formerly over-awed the Crown, and rendered the people incapable of any regular ſyſtem of civil government.

But the duke of York, beſides the family of Nevil, had many other partizans among the great nobility. Courtney, earl of Devonſhire, deſcended from the royal blood of France, was attached to his intereſts: Moubray, duke of Norfolk, from his hereditary hatred to the family of Lancaſter, had embraced the ſame party: And the diſcontents, which univerſally prevailed among the people, rendered every combination of the great the more dangerous to the eſtabliſhed government.

Tho' the people were never willing to grant the ſupplies neceſſary for keeping poſſeſſion of the conquered provinces in France, they repined extremely at the loſs of theſe boaſted acquiſitions; and fancied, becauſe a ſudden irruption could make conqueſts, that, without ſteddy counſels and an uniform expence, it was poſſible to maintain them. The voluntary ceſſion of Maine to the queen's uncle, had made them ſuſpect treachery in the loſs of Normandy and Guienne. They ſtill conſidered Margaret as a French woman and a latent enemy of the kingdom. And when they ſaw her father and all her relations active in promoting the ſucceſs of the French, they could not be perſuaded, that ſhe, who was all powerful in the Engliſh council, would very zealouſly oppoſe them in their enterprizes.

But

Chap. XXI. 1450.

But the moſt fatal blow, which was given to the popularity of the crown and to the intereſts of the houſe of Lancaſter, was by the aſſaſſination of the virtuous duke of Gloceſter, whoſe character, had he been alive, would have kept in awe the partizans of York, but whoſe memory, being extremely cheriſhed by the people, ſerved to throw an infinite odium on all his murderers. By this event, the reigning family ſuffered a double prejudice: It was deprived of its firmeſt ſupport; and it was loaded with all the infamy of that imprudent and barbarous execution.

As the duke of Suffolk was known to have had an active hand in this crime, he partook deeply of the hatred, which attended it; and the clamours, which neceſſarily roſe againſt him, as prime miniſter and declared favourite of the queen, were thereby augmented to a ten-fold pitch, and became abſolutely uncontroleable. The great nobility could ill brook to ſee a ſubject exalted above them; much more one who was only great grandſon to a merchant, and who was of a birth ſo much inferior to theirs. The people complained of his arbitrary meaſures; which were, in ſome degree, a neceſſary conſequence of the irregular power then poſſeſſed by the prince, but which the leaſt diſaffection eaſily magnified into tyranny. The immenſe acquiſitions, which he daily made, were the object of envy; and as they were made at the expence of the crown, which was itſelf reduced to the moſt ſcandalous poverty, they appeared on that account, to all indifferent perſons, the more exceptionable and invidious.

The revenues of the crown, which had long been diſproportioned to its power and dignity, had been extremely dilapidated during the minority of Henry*; both by the rapacity of the courtiers, which the King's uncles could not controul, and by the neceſſary expences of the French war, which had always been ſo ill ſupplied by the grants of parliament. The royal demeſnes were diſſipated, and at the ſame time the King was loaded with a debt of 372,000 pounds, a ſum ſo immenſe, that the parliament could never think of diſcharging it. This unhappy ſituation forced the miniſters upon many arbitrary meaſures: The houſehold itſelf could not be ſupported without ſtretching to the utmoſt the right of purveyance, and rendering it a kind of univerſal robbery upon the people: The public clamour roſe high upon this occaſion, and no one had the equity to make allowance for the neceſſity of the King's ſituation. Suffolk, once become odious, bore the blame of the whole; and every grievance in every part of the adminiſtration was univerſally imputed to his tyranny and injuſtice.

* Cotton, p. 609.

Chap. XXI. 1450. Impeachment of the duke of Suffolk.

THIS nobleman, ſenſible of the public hatred under which he laboured, and foreſeeing an attack from the commons, endeavoured to overawe his enemies, by boldly preſenting himſelf to the charge, and by inſiſting upon his own innocence, and even upon his merits and thoſe of his family in the public ſervice. He roſe up in the houſe of peers; took notice of the clamours propagated againſt him; and complained, that, after ſerving the crown in thirty four campaigns, after ſtaying abroad ſeventeen years without once returning to his own country; after loſing a father and three brothers in the wars with France; after being himſelf a priſoner, and purchaſing his liberty by a large ranſom; it ſhould yet be ſuſpected, that he had been debauched from his allegiance by that enemy whom he had ever oppoſed with ſuch zeal and fortitude, and that he had betrayed his prince, who had rewarded his ſervices by the higheſt honours and greateſt offices, which it was in his power to confer *. This ſpeech did not anſwer the purpoſe intended. The commons, rather the more provoked at his challenge, opened their charge againſt Suffolk, and ſent up to the houſe of peers an accuſation of high treaſon, divided into ſeveral articles. They inſiſted, that he had perſuaded the French King to invade England with an armed force, in order to depoſe the King, to place on the throne his own ſon, John de la Pole, whom he intended to marry to Margaret, the only daughter of the late John, duke of Somerſet, and to whom, he imagined, he would by that means acquire a title to the crown: That he had contributed to the releaſe of the duke of Orleans, in hopes, that that prince would aid and aſſiſt King Charles in expelling the Engliſh from France, and recovering full poſſeſſion of his kingdom: That he had afterwards encouraged that King to make open war on Normandy and Guienne, and had promoted his conqueſts by betraying the ſecrets of England, and obſtructing the ſuccours propoſed to be ſent over to thoſe provinces: And that he had, without any powers or commiſſion, promiſed by treaty to deliver up the provinces of Maine to Charles of Anjou, and had accordingly delivered it up; a conceſſion, which proved in the iſſue the chief cauſe of the loſs of Normandy †.

IT is evident, from a review of theſe articles, that the commons adopted without enquiry all the popular clamours againſt the duke of Suffolk, and charged him with crimes, of which none but the vulgar could ſeriouſly believe him guilty. Nothing can be more incredible, than that a nobleman of his rank and character could think of acquiring the crown to his family, and of depoſing Henry by foreign force, and together with him, Margaret, his patron, a princeſs of ſo much ſpirit and penetration. Suffolk appealed to many noblemen in the houſe,

* Cotton, p. 641.

† Cotton, p. 642. Hall, fol. 157. Holingſhed, p. 631. Grafton, p. 607.

who

who knew, that he had intended to marry his ſon to one of the co-heirs of the earl of Warwic, and was diſappointed in his deſign only by the death of that lady: And he obſerved, that Margaret of Somerſet could bring to her huſband no title to the crown; becauſe ſhe herſelf was not ſo much as comprehended in the entail, ſettled by act of parliament. It is eaſy to account for the loſs of Normandy and Guienne from the ſituation of affairs in the two kingdoms, without ſuppoſing any treachery in the Engliſh miniſters; and it may ſafely be affirmed, that greater vigour of council was requiſite to defend them from the arms of Charles VII. than to conquer them at firſt from his predeceſſor. It could never be the intereſt of any Engliſh miniſter to betray and abandon theſe provinces; much leſs of one, who was ſo well eſtabliſhed in his maſter's favour, who enjoyed ſuch high honours and ample poſſeſſions in his own country, who had nothing to dread but the effects of popular hatred, and who could never think, without the moſt extreme reluctance, of becoming a fugitive and exile in a foreign land. The only article, which carries any face of probability, is his engagement for the delivery of Maine to Charles of Anjou; but Suffolk maintained, with great appearance of truth, that this meaſure was known and conſented to by ſeveral at the council board *; and it ſeems hard to aſcribe to it, as is done by the parliament, the ſubſequent loſs of Normandy and expulſion of the Engliſh. Normandy lay open on every ſide to the invaſion of the French: Maine, an inland province, muſt ſoon after have fallen without any attack: And as the Engliſh poſſeſſed in other parts more fortreſſes than they could garriſon or provide for, it ſeemed no bad policy to contract their force, and to render the defence practicable, by reducing it into ſmaller compaſs. Chap. XXI. 1450.

The commons were probably ſenſible, that this charge of treaſon againſt Suffolk would not bear a ſtrict ſcrutiny; and they therefore ſent up, ſoon after, a new charge of miſdemeanours, which they alſo divided into ſeveral articles. They affirmed, among other imputations, that he had procured exorbitant grants from the crown, had embezzled the public money, had conferred offices on improper perſons, had perverted juſtice by maintaining iniquitous cauſes, and had procured pardons to notorious offenders †. The articles are moſtly general; but are not improbable: And as Suffolk ſeems to have been a bad man and a bad miniſter, it will not be raſh in us to think, that he was guilty, and that many of theſe articles could have been proved againſt him. The court was alarmed at the proſecution of a favourite miniſter, who lay under ſuch a load of popular prejudices; and an expedient was fallen upon to ſave him from preſent ruin. The King ſent for all the lords, ſpiritual and temporal, to his apartment: The priſo-

* Cotton, p. 643. † Cotton, p. 643.

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Chap. XX. 1450.

ner was produced before them, and asked what he could say in his own defence? He denied the charge; but submitted to the King's mercy: Henry expressed himself not to be satisfied with regard to the first bill of treasons; but in consideration of the second of misdemeanors, he declared, that, by virtue of Suffolk's own submission, not by any judicial authority, he banished him the kingdom during five years. The lords remained silent; but so soon as they returned to their own house, they entered a protest, that this sentence should no wise infringe their privileges, and that if Suffolk had insisted upon his right, and had not submitted voluntarily to the King's orders, he was intitled to a trial by his peers in parliament.

His banishment

It was easy to see, that these irregular proceedings were meant to favour Suffolk, and that, as he still possessed the Queen's confidence, he would, on the first favourable opportunity, be restored to his country, and be re-instated in his former power and credit. A captain of a vessel was therefore employed by his enemies to intercept him in his passage to France: He was seized near Dover; his head struck off on the side of a long boat, and his body thrown into the sea *. No enquiry was made after the authors and accomplices of this atrocious act of violence.

and death

The duke of Somerset succeeded to Suffolk's power in the ministry, and credit with the Queen; and as he was the person, in whose hands the French provinces were lost, the public, who judge always by the event, soon made him equally the object of their animosity and hatred. The duke of York was absent in Ireland during all these transactions; and however it might be suspected, that his partizans had excited and supported the prosecution of Suffolk, no immediate ground of complaint could, on that account, lie against him. But there happened soon after an incident, which rouzed the jealousy of the court, and discovered to them the extreme danger, to which they were exposed from the pretensions of that wise and popular prince.

The humours of the people, set afloat by the parliamentary impeachment, and by the fall of so great a favourite as Suffolk, broke out in various commotions, which were soon suppressed; but there arose one in Kent, which was likely to have been attended with more dangerous consequences. A man of low condition, one John Cade, a native of Ireland, who had been obliged to fly into France for his crimes, observed on his return the discontents of the people; and he laid on them the foundation of projects, which were at first attended with surprizing success. He took the name of John Mortimer, intending, as is supposed, to pass himself for a son of that sir John Mortimer, who had been sentenced to death by

Popular insurrection.

* Hall, fol. 158. Hist. Croyland. contin. p. 525. Stowe, p. 388. Grafton, p. 610.

parliament, and executed in the beginning of this reign, without any trial or evidence, merely upon an indictment of high treaſon, given in againſt him *. On the firſt mention of that popular name, the common people of Kent, to the number of 20,000, flocked to Cade's ſtandard; and he excited their zeal, by publiſhing complaints againſt the numerous abuſes of government, and demanding redreſs of their grievances. The court, not yet fully ſenſible of the danger, ſent a ſmall force againſt the rioters, under the command of ſir Humphrey Stafford, who was defeated and ſlain in an action near Sevenoke †; and Cade, advancing with his followers towards London, encamped on Black-heath. Tho' elated by his victory, he ſtill maintained the appearance of moderation; and ſending the court a very plauſible liſt of grievances ‡, he promiſed, that, when theſe were redreſſed, and when lord Say, the treaſurer, and Cromer, high ſheriff of Kent, were puniſhed for their malverſations, he would immediately lay down his arms. The council, who obſerved, that nobody was willing to fight againſt men ſo reaſonable in their pretenſions, carried the King, for preſent ſafety, to Kenilworth; and the city immediately opened their gates to Cade, who maintained, during ſome time, great order and diſcipline among his followers. He always led them out into the fields during the night-time; and publiſhed ſevere edicts againſt plunder and violence of every kind: But being obliged, in order to gratify their malevolence againſt Say and Cromer, to put theſe miniſters to death without a legal trial §; he found, that, after the commiſſion of this crime, he was no longer maſter of their riotous diſpoſition, and that all his orders were neglected ‖. They broke into a rich houſe, which they plundered; and the citizens, alarmed with this act of violence, ſhut their gates againſt them, and being ſeconded by a detachment of ſoldiers, ſent them by lord Scales, governor of the tower, they repulſed the inſurgents with great ſlaughter ⸸. The Kentiſhmen were ſo diſcouraged with this blow, that, upon receiving a general pardon from the primate then chancellor, they retreated towards Rocheſter, and then diſperſed. The pardon was ſoon after annulled, as being extorted by violence: A price was ſet on Cade's head *, who was killed by one Iden, a gentleman of Suſſex; and many of his followers were capitally puniſhed for their rebellion. Chap. XX. 1450.

* Stowe, p. 364. Cotton, p. 564. This author admires, that ſuch a piece of injuſtice ſhould have been committed in peaceable times: He might have added, and by ſuch virtuous princes as Bedford and Gloceſter. But it is to be preſumed, that Mortimer was guilty; tho' his condemnation was highly irregular and illegal. The people had at this time a very feeble ſenſe of law and a conſtitution; and power was very imperfectly reſtrained by theſe limits. When the proceedings of a parliament were ſo irregular, it is eaſy to imagine, that thoſe of a king would be more ſo. † Hall, fol. 159. Holingſhed, p. 634. ‡ Stowe, p. 388, 389. Holingſhed, p. 633. § Graſton, p. 612. ‖ Hall, fol. 160. ⸸ Hiſt. Croyl. contin. p. 526. * Rymer, vol. 11. p. 275.

Chap. XXI. 1450. It was imagined by the court, that the duke of York had ſecretly inſtigated Cade to this attempt, in order to make an experiment of the diſpoſitions of the people towards his title and family *: And as the trial had ſucceeded to his wiſh, the ruling party had greater reaſon than ever to apprehend the future conſequences of his pretenſions. At the ſame time, they heard that he intended to return from Ireland; and fearing, that he meant to bring an armed force along with him, they iſſued orders, in the King's name, for oppoſing him, and for refuſing him acceſs into England †. But the duke diſarmed his enemies by coming attended with no more than his ordinary retinue: The precautions of the miniſters ſerved only to ſhew him their jealouſy and malignity againſt him: He was ſenſible, that his title, by being dangerous to the King, was alſo become dangerous to himſelf: He now ſaw the impoſſibility of remaining in his preſent ſituation, and the neceſſity of proceeding forward in ſupport of his claim. His partizans, therefore, were inſtructed to maintain in all companies, his right by ſucceſſion, and by the eſtabliſhed laws and conſtitution of the kingdom: Theſe queſtions became every day more and more the ſubject of converſation: The minds of men were inſenſibly ſharpened againſt each other by diſputes, before they came to more dangerous extremities: And various topics were pleaded in ſupport of the pretenſions of each party.

The parties of Lancaſter and York. The partizans of the houſe of Lancaſter maintained, that tho' the exaltation of Henry IV. might at firſt be deemed ſomewhat irregular, and could not be juſtified by any of thoſe principles, on which that prince choſe to reſt his title, it was yet founded on general conſent, was a national act, and was derived from the voluntary approbation of a free people, who, being looſened from their allegiance by the tyranny of the preceding government, were moved by gratitude, as well as by a ſenſe of public intereſt, to commit the ſceptre into the hands of their deliverer: That even if that eſtabliſhment were allowed to be at firſt invalid, it had acquired ſolidity by time, the only principle which ultimately gives authority to government, and removes thoſe ſcruples, which the irregular ſteps, attending all revolutions, naturally excite in the minds of the people: That the right of ſucceſſion was a rule admitted only for general good, and for the maintenance of public order; and could never be pleaded to the overthrow of national tranquility, and the ſubverſion of regular eſtabliſhments: That the principles of liberty, no leſs than the maxims of internal peace, were injured by theſe pretenſions of the houſe of York; and if ſo many re-iterated acts of the legiſlature, by which the crown was entailed on the preſent family, were now invalidated, the Engliſh nation muſt be conſidered, not as a free people who could diſpoſe of their own

* Cotton, p. 661. Stowe, p. 391. † Stowe, p. 394.

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government, but as a troop of ſlaves, who were implicitly tranſmitted by ſucceſſion from one hand to another: That the nation was bound to allegiance under the houſe of Lancaſter by moral, no leſs than by political duty; and were they to infringe thoſe numerous oaths of fealty, which they had ſworn to Henry and his numerous predeceſſors, they would thenceforth be ſo thrown looſe from all principles, that it would be found difficult ever after to fix and reſtrain them: That the duke of York himſelf had frequently done homage to the King as his lawful ſovereign, and had thereby, in the moſt ſolemn manner, made an indirect renunciation of thoſe claims, with which he now dared to diſturb the tranquility of the public: That even tho' the violation of the rights of blood, made on the depoſition of Richard, was perhaps raſh and imprudent, it was now too late to remedy the miſchief; the danger of a diſputed ſucceſſion could no longer be obviated; the people, accuſtomed to a government, which, in the hands of the late King, had been ſo glorious, and in that of his predeceſſor, ſo prudent and ſalutary, would ſtill aſcribe a right to it; by cauſing multiplied diſorders, and by ſhedding an inundation of blood, the advantage would only be obtained, of exchanging one pretender for another; and the houſe of York itſelf, if eſtabliſhed on the throne, would, on the firſt opportunity, be expoſed to thoſe revolutions, which the giddy ſpirit, excited in the people, gave ſo much reaſon to apprehend: And that tho' the preſent King enjoyed not the ſhining talents, which had appeared in his father and grandfather, he might ſtill have a ſon, who ſhould be endowed with them; he was himſelf eminent for the moſt harmleſs and inoffenſive manners; and if active princes were dethroned on pretence of tyranny, and indolent ones on the plea of incapacity, there would thenceforth remain in the conſtitution no ſettled and eſtabliſhed rule of obedience to any ſovereign. Chap. XX. 1450.

THESE ſtrong topics in favour of the houſe of Lancaſter, were oppoſed by arguments no leſs convincing on the ſide of the houſe of York. The partizans of this latter family aſſerted, that the maintenance of order in the ſucceſſion of princes, ſo far from incroaching on the rights of the people, or invalidating their fundamental title to good government, was eſtabliſhed only for the purpoſes of government, and ſerved to prevent thoſe numberleſs confuſions, which muſt enſue, if no rule was followed but the uncertain and diſputed views of preſent convenience and advantage: That the ſame maxims, which enſured the public peace, were alſo ſalutary to national liberty; the privileges of the people could only be maintained by the obſervance of laws; and if no account was made of the rights of the ſovereign, it could leſs be expected, that any regard would be paid to the property and freedom of the ſubject: That it was never too late to correct any pernicious precedent; an unjuſt eſtabliſhment, the longer it ſtood, acquired the

Chap. XX. 1450.

greater ſanction and validity; it could, with more appearance of reaſon, be pleaded as an authority for a like injuſtice; and the maintenance of it, inſtead of favouring public tranquility, tended to disjoint every principle, by which human ſociety was ſupported: That uſurpers would be happy, if their preſent poſſeſſion of power, or their continuance for a few years, could convert them into legal princes; but nothing would be more miſerable than the people, if all reſtraints on violence and ambition were thus removed, and a full ſcope given to the attempts of every turbulent innovator: That time indeed beſtowed a ſolidity on government, whoſe firſt foundation was the moſt infirm; but it acquired a long courſe of time to operate this effect, and the total extinction of thoſe claimants, whoſe title was built on the original principles of the conſtitution: That the depoſition of Richard, and the advancement of Henry IV. were not deliberate national acts; but the reſult of the levity and violence of the people, and proceeded from thoſe very defects in human nature, which the eſtabliſhment of political ſociety, and of an order in ſucceſſion, was calculated to prevent: That the ſubſequent entails of the crown were a continuance of the ſame violence and uſurpation; they were not ratified by the legiſlature, ſince the conſent of the rightful King was ſtill wanting; and the acquieſcence, firſt of the family of Mortimer, then of that of the family of York, proceeded from preſent neceſſity, and implied no renunciation of their pretenſions: That the reſtoration of that order of ſucceſſion, could not be conſidered as a change, which familiarized the people to revolutions; but as a correction of former changes, which had itſelf encouraged the giddy ſpirit of innovation, rebellion, and diſobedience: And that as the original title of Lancaſter ſtood only, in the perſon of Henry IV. on preſent convenience, even this principle, unjuſtifiable as it was, when not ſupported by laws, and warranted by the conſtitution, had now entirely gone over to the other ſide; nor was there any compariſon between a prince utterly unable to ſway the ſcepter, and governed entirely by corrupt miniſters, or by an imperious Queen, engaged in foreign and hoſtile intereſts; and a prince of mature years, of approved wiſdom and experience, a native of England, the lineal heir of the crown, who by his reſtoration would replace every thing on their antient foundations.

So many plauſible arguments could be urged on both ſides of this intereſting queſtion, that the people were extremely divided in their ſentiments; and tho' the noblemen of greateſt power and influence ſeem to have embraced the party of York, the oppoſite cauſe had the advantage of being ſupported by the preſent laws, and by the immediate poſſeſſion of royal authority. There were alſo many great noblemen of the Lancaſtrian party, who ballanced the power of their antagoniſts; and kept the nation in ſuſpence between them. The earl of Northum-

berland adhered to the preſent government: The earl of Weſtmoreland, in ſpite of his connections with the duke of York, and with the family of Nevil, of which he was the head, was brought over to the ſame party; and the whole north of England, the moſt warlike part of the kingdom, was, by means of theſe two potent noblemen, engaged warmly in the intereſts of Lancaſter. Edmund Beaufort, duke of Somerſet, and his brother Henry, were great ſupports of that cauſe; as were alſo Henry Holland, duke of Exeter, Stafford, duke of Buckingham, the earl of Shrewſbury, the lord Clifford, lord Dudley, lord Scales, lord Audley, and other noblemen. Chap. XXI. 1450.

WHILE the kingdom was in this ſituation, it might naturally be expected, that ſo many turbulent barons, poſſeſſed of ſo much independant authority, would immediately have flown to arms, and have decided the quarrel, after their uſual manner, by war and battle, under the ſtandard of the contending princes. But there were ſtill many cauſes, which retarded theſe deſperate extremities, and made a long train of faction, intrigue and cabal, precede the military operations. By the gradual progreſs of arts in England, as well as in other parts of Europe, the people were now become of ſome conſequence; laws were beginning to be reſpected by them; and it was requiſite, by various pretences, previouſly to reconcile their minds to the overthrow of ſuch an antient eſtabliſhment as that of the houſe of Lancaſter, ere their concurrence could reaſonably be expected. The duke of York himſelf, the new claimant, was of a very moderate and cautious character, an enemy to violence, and inclined to truſt rather to time and policy, than to ſanguinary meaſures, for the ſucceſs of his pretenſions. The very imbecillity itſelf of Henry tended to keep the factions in ſuſpence, and made them ſtand long in awe of each other: It rendered the Lancaſtrian party unable to ſtrike any violent blow againſt their enemies; it encouraged the Yorkiſts to hope, that, after baniſhing the King's miniſters, and getting poſſeſſion of his perſon, they might gradually undermine his authority, and be able, without the perilous experiment of a civil war, to change the ſucceſſion, by parliamentary and legal authority.

THE diſpoſition, which appeared in a parliament, aſſembled ſoon after the arrival of the duke of York from Ireland, favoured theſe expectations, and both diſcovered an unuſual boldneſs in the commons, and were a proof of the general diſcontents which prevailed againſt the adminiſtration. The lower houſe, without any previous enquiry or examination, without alledging any other cauſe than common fame, ventured to preſent an addreſs againſt the duke of Somerſet, the dutcheſs of Suffolk, the biſhop of Cheſter, Sir John Sutton lord Dudley, and ſeveral 1451. 6th Nov.

Chap. XXI. 1451. others of inferior rank; and they prayed the King to remove them for ever from his perſon and councils, and to prohibit them from approaching within twelve miles of the court *. This was a violent attack, ſomewhat arbitrary, and ſupported but by few precedents, againſt the miniſtry; yet the King durſt not entirely and openly oppoſe it: He replied, that, except the lords, he would baniſh all the others from court during a year, unleſs he had occaſion for their aſſiſtance in ſuppreſſing any rebellion. At the ſame time, he rejected a bill, which had paſſed both houſes for attainting the late duke of Suffolk, and which diſcovered a very general prejudice againſt the meaſures of the court.

1452. The first armament of the duke of York.

THE duke of York, truſting to theſe ſymptoms, raiſed an army of 10,000 men, with which he marched towards London; demanding a reformation of the government, and the removal of the duke of Somerſet from all his power and authority †. He found unexpectedly the gates of the city ſhut againſt him; and on his retreating into Kent, he was followed by the King at the head of a ſuperior army; in which ſeveral of Richard's friends, particularly Saliſbury and Warwic appeared; probably with a view of mediating between the parties, and of ſeconding, on occaſion, the duke of York's pretenſions. A parley enſued; Richard ſtill inſiſted upon the removal of Somerſet, and his ſubmitting to a trial in parliament: The court pretended to comply with his demand; and that nobleman was put under arreſt: The duke of York was then perſuaded to pay his reſpects to the King in his tent; and on repeating his charge againſt the duke of Somerſet, he was ſurprized to ſee that miniſter ſtep from behind the curtain, and offer to juſtify his innocence. Richard now found, that he was betrayed; that he was in the hands of his enemies; and that it was become neceſſary, for his own ſafety, to lower his pretenſions. No violence, however, was attempted againſt him: The nation was not in a diſpoſition to bear the deſtruction of ſo popular a prince: He had many friends in Henry's army: And his ſon, who was not in the power of the court, might ſtill be able to revenge his death on all his enemies: He was therefore diſmiſſed; and he retired to his ſeat at Wigmore on the borders of Wales ‡.

WHILE the duke of York lived in this retreat, there happened an incident, which, by encreaſing the public diſcontents, proved favourable to his hopes. Several Gaſcon lords, affectionate to the Engliſh government, and diſguſted with the new dominion of the French, came to London, and offered to return to their allegiance under Henry ‖. The earl of Shrewſbury, with a body of 8000

* Parliamentary Hiſtory, vol. 2. p. 263. † Stowe, p. 394. ‡ Grafton, p. 620.
‖ Holingſhed, p. 640.

men, was sent over to support them. Bourdeaux opened its gates to him: He made himself master of Fronsac, Castillon, and some other places: His affairs bore for some time a prosperous aspect: But as King Charles hastened to resist this dangerous invasion, the fortunes of the English were then reversed; Shrewsbury, a venerable warrior above eighty years of age, was killed in battle; his conquests were lost; Bourdeaux was again obliged to submit to the French King *; and all hopes of recovering that province were for ever extinguished. Chap. XXI. 1453. 20th July.

Tho' the English might deem themselves happy to be fairly rid of distant dominions, which were of no use to them, and which they never could defend against the growing power of France; they expressed great discontent on this occasion; and they threw all the blame on the ministry, who had not been able to effect impossibilities. While they were in this disposition, the birth of a son to Henry, who was baptized under the name of Edward, was deemed no joyful incident; and as it removed all hopes of the peaceable succession of the duke of York, who was otherwise, in the right of his father, and by the laws enacted since the accession of the house of Lancaster, next heir to the crown, it had rather a tendency to inflame the quarrel between the parties. But the duke was incapable of violent councils; and even when no visible obstacle lay between him and the throne, he was prevented by his own scruples from mounting it. Henry, always unfit to exercise the government, fell at this time into a distemper, which so far encreased his natural imbecillity, that it rendered him incapable of maintaining even the appearance of royalty. The Queen and the council, destitute of this support, found themselves unable to resist the York party; and they were obliged to yield to the torrent. They sent Somerset to the Tower; and appointed Richard lieutenant of the kingdom, with powers to open and hold a session of parliament †. That assembly also, taking into consideration the state of the kingdom, created him protector during pleasure. Men, who thus entrusted royal authority to one, who had such evident and strong pretensions to the crown, were not surely averse to his taking immediate and full possession of it. Yet the duke, instead of pushing them to make farther concessions, appeared somewhat timid and irresolute even in receiving that power which was tendered to him. He desired, that it might be recorded in parliament, that this authority was conferred on him of their own free motion, without any application on his part: He expressed his hopes, that they would assist him in the exercise of it: He made it a condition of his acceptance, that the other lords, who were appointed to be of his council, should also accept of that trust, and should exercise it: And he required, that all the powers of his office should be 13th October. 1454.

* Polyd. Virg p 501. Graston, p. 623. † Rymer, vol. 11. p 344.

specified

Chap. XXI. 1454. ſpecified and defined by act of parliament. This moderation of Richard was certainly very unuſual and very amiable; but it was attended with bad conſequences in the preſent ſtate of affairs, and by giving time for the animoſities of faction to ariſe and ferment, it proved the ſource of all theſe furious wars and commotions, which enſued.

THE enemies of the duke of York ſoon found it in their power to make advantage of his exceſſive caution. Henry having ſo far recovered from his diſtemper, as to carry the appearance of exerciſing the royal power; they moved him to reſume his authority, to annul the regency of the duke, to releaſe Somerſet from the Tower *, and to commit the adminiſtration into the hands of that no-
1455. bleman. Richard, ſenſible of the dangers, which might attend his former acceptance of the parliamentary commiſſion, ſhould he ſubmit to the annulling of it, levied an army; but ſtill without advancing any pretenſions to the crown. He complained only of the King's miniſters, and demanded a reformation of the
First battle of St. Albans. 22d May. government. A battle was fought at St. Albans, in which the Yorkiſts were ſuperior, and without ſuffering any loſs on their ſide, ſlew above 5000 of their enemies; among whom were the duke of Somerſet, the earl of Northumberland, the earl of Stafford, eldeſt ſon to the duke of Buckingham, lord Clifford, and many other perſons of diſtinction †. The King himſelf fell into the hands of the duke of York, who treated him with great reſpect and tenderneſs: He was only obliged (which he regarded as no hardſhip) to commit the whole authority of the crown into the hands of his rival.

THIS was the firſt blood ſpilt in that fatal quarrel, which was not finiſhed in leſs than a courſe of thirty years, which was ſignalized by twelve pitched battles, which opened a ſcene of extraordinary fierceneſs and cruelty, is computed to have coſt the lives of eighty princes of the blood, and almoſt entirely annihilated the antient nobility of England. The ſtrong attachments, which, at that time, men of the ſame kindred bore to each other, and the vindictive ſpirit which was conſidered as a point of honour, rendered the great families implacable in their reſentments, and widened every moment the breach between the parties. Yet affairs did not immediately proceed to the laſt extremities: The nation was kept for ſome time in ſuſpence: The vigor and ſpirit of Queen Margaret, ſupporting her ſmall power, ſtill proved a ballance to the great authority of Richard,
9th July. which was checked by his irreſolute temper. A parliament, which was ſoon after aſſembled, diſcovered plainly by the contrariety of their proceedings, the contra-

* Rymer, vol. 11. p. 361. Holingſhed, p. 642. Grafton, p. 626. † Stowe, p. 399. Holingſhed, p. 643.

riety

riety of the motives, by which they were actuated. They granted the Yorkiſts a general indemnity; and they reſtored the protectorſhip to the duke, who in accepting it, ſtill perſevered in all his former precautions: But at the ſame time, they renewed their oaths of fealty to Henry, and fixed the continuance of the protectorſhip to the majority of his eldeſt ſon Edward, who was inveſted in the uſual dignities of prince of Wales, duke of Cornwal, and earl of Cheſter. The only deciſive act, paſſed by this parliament, was a full reſumption of all the grants, which had been made ſince the death of Henry V. and which had reduced the crown to the moſt ſcandalous poverty. Chap. XXI. 1455.

It was not found difficult to wreſt power from hands ſo little tenacious as thoſe of the duke of York. Margaret, availing herſelf of that prince's abſence, produced her huſband before the houſe of lords; and as his ſtate of health permitted him at that time to act his part with ſome tolerable decency, he declared his intentions to reſume the government, and to put an end to Richard's authority. This meaſure, being unexpected, was not oppoſed by the contrary party: The houſe of lords, who were many of them diſguſted with the late act of reſumption, aſſented to Henry's propoſal: And the King was accordingly declared to be reinſtated in his ſovereign authority. The duke of York even acquieſced in this irregular act of the peers; and no diſturbance enſued. But that prince's claim to the crown was too well known, and the ſteps, which he had taken to promote it, were too evident, ever to allow ſincere truſt and confidence to have place between the parties. The court retired to Coventry, and invited the duke of York and the earls of Saliſbury and Warwic to attend the King's perſon. As they were on the road, they received intelligence, that deſigns were formed by their enemies againſt their liberties and lives. They immediately ſeparated themſelves: Richard withdrew to his caſtle of Wigmore in the county of Hereford: Saliſbury to Middleham in Yorkſhire: And Warwic to his government of Calais, which had been committed to him after the battle of St. Albans, and which, as it gave him the command of the only regular military force maintained by England, was of the utmoſt importance in the preſent juncture. Still, men of peaceable diſpoſitions, and among the reſt Bourchier, archbiſhop of Canterbury, thought it not too late to interpoſe with their good offices, in order to prevent that effuſion of blood, with which the kingdom was threatened; and the awe, in which each party ſtood of the other, rendered their mediation for ſome time ſucceſsful. It was agreed, that all the great leaders on both ſides ſhould meet in London, and be ſolemnly reconciled. The duke of York and his partizans came thither with numerous retinues, and took up their quarters near each other for mutual ſecurity. 1456. 1457. 1458.

Chap. XXI 1458. security. The chieftains of the Lancastrian party used the same precaution. The mayor, at the head of 5000 men, kept a strict guard, night and day; and was extremely vigilant in maintaining peace between them *. Terms were adjusted, which took not away the ground of difference. An outward reconciliation only was procured: And in order to notify this accord to the whole people, a solemn procession to St. Paul's was appointed, where the duke of York led queen Margaret, and a chieftain of one party marched hand in hand with a chieftain of the opposite †. The less real cordiality prevailed, the more were the exterior demonstrations of friendship and amity redoubled. But it was evident to all men of sense, that a contest for a crown could not thus be peaceably accommodated; that each party only watched for an opportunity of subverting the other; and that much blood must yet be spilt, ere the nation could be restored to perfect tranquillity, or enjoy a settled and established government.

1459. Even the smallest accident, without any formed design, was sufficient, in the present disposition of mens minds, to dissolve the seeming amity between the parties; and had the intentions of the leaders been ever so amicable, they would have found it difficult to restrain the animosity of their followers. One of the King's retinue insulted one of the earl of Warwic's: Their companions on each side took part in the quarrel: A fierce combat ensued: The earl apprehended his life to be aimed at: He fled over to his government at Calais ‡; and both parties, in every county of England, openly made preparations for deciding the contest by war and arms.

Battle of Blore heath. 23d Septr. The earl of Salisbury, marching to join the duke of York, was overtaken, at Blore-heath on the borders of Staffordshire, by lord Audley, who commanded much superior forces; and a small rivulet with steep banks ran between the two armies. Salisbury here supplied his defect in numbers by stratagem; a refinement, of which there occur few instances in the English civil wars, where a headlong courage, more than military conduct, is commonly to be remarked. He feigned a retreat, and allured Audley to follow him with precipitation: But when part of the royal army had passed the brook, Salisbury suddenly turned upon them; and partly by the surprize, partly by the division of the enemies forces, put them to rout: The example of flight was followed by the rest of the army: And Salisbury, obtaining a complete victory, reached the general rendezvous of the Yorkists at Ludlow §.

* Fabian Chron. anno 1458. The author says, that some lords brought 900 retainers, some 600. none less than 400. See also Grafton, p. 633. † Holingshed, p. 648. Poly. Virg. p. 506. Grafton, p. 634. ‡ Grafton, p. 635. § Holingshed, p. 649. Grafton, p. 936.

The

THE earl of Warwic brought over to this rendezvous a choice body of veterans from Calais, on whom, it was thought, the fortune of the war would much depend; but this reinforcement proved, in the iſſue, the ruin of the duke of York's party. When the royal army approached, and a general action was every hour expected, Sir Andrew Trollop, who commanded the Veterans, deſerted to the King in the night-time; and the Yorkiſts were ſo diſmayed by this inſtance of treachery, which made every man apprehenſive of his fellow, that they ſeparated next day without ſtriking a ſtroke *: The duke of York fled to Ireland: The earl of Warwic, attended by many of the other leaders, eſcaped to his government of Calais; where his great popularity among all orders of men in the kingdom, particularly among the military, ſoon drew to him partizans, and rendered his power very formidable. The friends of the houſe of York in England kept themſelves every where in readineſs to riſe on the firſt ſummons from their leaders. Chap. XX. 1459.

AFTER meeting with ſome ſucceſſes at ſea, Warwic landed in Kent, with the earl of Saliſbury, and the earl of Marche, eldeſt ſon to the duke of York; and being met by the primate, the lord Cobham, and other perſons of diſtinction, he marched, amidſt the acclamations of the people, to London. The city immediately opened its gates to him; and his troops encreaſing on every day's march, he ſoon found himſelf in a condition to face the royal army, which haſtened from Coventry to attack him. The battle was fought at Northampton; and was ſoon decided againſt the royaliſts by the infidelity of lord Grey of Ruthin, who, commanding Henry's vanguard, deſerted to the enemy during the heat of action, and ſpread a conſternation thro' the troops. The duke of Buckingham, the earl of Shrewſbury, the lords Beaumont and Egremont, and Sir William Lucie were killed in the action or purſuit: The ſlaughter fell chiefly on the gentry and nobility; the common people were ſpared by orders of the earls of Warwic and Marche†. Henry himſelf, that empty ſhadow of a King, was again taken priſoner; and as the innocence and ſimplicity of his manners, which bore the appearance of ſanctity, had procured him the tender regard of the people‡, the earl of Warwic and the other leaders took care to diſtinguiſh themſelves by their reſpectful demeanour towards him. 1460. Battle of Northampton. 10th July.

A parliament was ſummoned in the King's name, and met at Weſtminſter; where the duke of York ſoon after appeared from Ireland. This prince had never hitherto advanced openly any claim to the crown: He had only complained of ill miniſters, and demanded a redreſs of grievances: And even in the preſent A parliament 7th October.

* Holingſhed, p. 650. Graſton, p. 537. † Stowe, p. 409. ‡ Hall, fol. 169. Graſton, p 595.

Chap. XXI. 1460.

criſis, when the parliament was ſurrounded by his victorious army, he ſhowed ſuch a regard to law and liberty, as is very unuſual during the prevalence of a party in any civil diſſenſions; and was ſtill leſs to be expected, in thoſe violent and licentious times. He advanced towards the throne; and being met by the archbiſhop of Canterbury, who aſked him, whether he had yet paid his reſpects to the King? he replied, that he knew of none to whom he owed that title. He then ſtood near the throne *, and addreſſing himſelf to the houſe of peers, he gave them a deduction of his title by deſcent, mentioned the cruelties by which the houſe of Lancaſter had paved at firſt their way to ſovereign power, inſiſted on the calamities which had attended the government of Henry, exhorted them to return into the right path, by doing juſtice to the lineal ſucceſſor, and thus pleaded his cauſe before them as his natural and lawful judges †. This cool and moderate manner of demanding a crown, intimidated his friends and diſcouraged his enemies: The lords remained in ſuſpence ‡; and no one ventured to utter a word on this occaſion. Richard, who had probably expected, that the peers would have invited him to place himſelf on the throne, was much diſappointed at their ſilence; but deſiring them to reflect on what he had propoſed to them, he departed the houſe. The peers took the matter under conſideration, with as great tranquility, as if it had been a common ſubject of debate: They deſired the aſſiſtance of ſome conſiderable members among the commons in their deliberations: They heard, in ſeveral ſucceſſive days, the reaſons alledged for the duke of York: They even ventured to propoſe objections to his claim, founded on former entails of the crown, and on the oaths of fealty ſworn to the houſe of Lancaſter §: They alſo obſerved, that, as Richard had all along born the arms of York, not thoſe of Clarence, he could not claim as ſucceſſor to the latter family: And after receiving anſwers to theſe objections, derived from the violence and power by which the houſe of Lancaſter ſupported their preſent poſſeſſion of the crown; they ventured at laſt to pronounce a deciſion. Their ſentence was calculated, as far as poſſible, to pleaſe both parties: They declared the title of the duke of York to be certain and indefeaſible; but in conſideration, that Henry had enjoyed the crown, without diſpute or controverſy, during the courſe of thirty-eight years, they determined that he ſhould continue to poſſeſs the title and dignity during the remainder of his life; that the adminiſtration of the government, meanwhile, ſhould remain with Richard, that he ſhould be acknowleged the true and lawful heir of the monarchy, that every one ſhould ſwear to maintain his ſucceſſion, that it ſhould be treaſon to attempt his life, and that all former ſettlements of the

* Holingſhed, p. 655. † Cotton, p. 665. Grafton, p. 643. ‡ Holingſhed, p. 657. Grafton, p. 645. § Cotton, p. 666.

crown,

crown, in this and the two laſt reigns, ſhould be abrogated and reſcinded *. The duke of York acquieſced in this deciſion: Henry himſelf, being a priſoner, could not oppoſe it: Even if he had enjoyed his liberty, he would not probably have felt any violent reluctance againſt it: And the act thus paſſed with the unanimous conſent of the whole legiſlative body. Tho' the mildneſs of this compromiſe is chiefly to be aſcribed to the moderation of the duke of York, it is impoſſible not to obſerve in thoſe tranſactions viſible marks of a higher regard to law, and a more fixed authority, enjoyed by parliament, than has appeared in any former period of Engliſh hiſtory. Chap. XXI. 1460.

It is probable, that the duke of York, without employing either menaces or violence, could have obtained from the commons a ſettlement more conſiſtent and uniform: But as many, if not all the members of the upper houſe, had received grants, conceſſions, or dignities, during the laſt ſixty years, when the houſe of Lancaſter was poſſeſſed of the government, they were afraid of invalidating their own titles by too ſudden and violent an overthrow of that family; and in thus temporizing between the parties, they fixed the throne on a baſis, upon which it could not poſſibly ſtand. The duke, apprehending his chief danger to ariſe from the genius and ſpirit of Queen Margaret, ſought a pretence for baniſhing her entirely the kingdom; and for that purpoſe, he ſent her, in the King's name, a ſummons to come immediately to London; intending, in caſe of her diſobedience, to proceed to extremities againſt her. But the queen needed not this menace to excite her activity in behalf of the rights of her family. After the defeat at Northampton, ſhe had fled with her infant ſon to Durham, and from thence to Scotland; but ſoon returning, ſhe applied to the northern barons, and employed every motive to procure their aſſiſtance. Her affability, inſinuation, and addreſs, qualities in which ſhe excelled; her careſſes, her promiſes wrought a powerful effect on every one who approached her: The admiration of her great qualities was ſucceeded by compaſſion towards her helpleſs condition: The nobility of that quarter, who regarded themſelves as the moſt warlike of the kingdom, were moved by indignation to find the ſouthern barons diſpoſe of the crown and ſettle the government: And that they might allure the people to their ſtandard, they promiſed them the ſpoils of all the provinces on the other ſide the Trent. By theſe means, the Queen had collected an army twenty thouſand ſtrong, with a celerity which was neither expected by her friends, nor apprehended by her enemies.

The duke of York, informed of her appearance in the north, haſtened thither with a body of 5000 men, to ſuppreſs, as he imagined, the beginnings of an

* Cotton, p. 666. Grafton, p. 647.

Chap. XXI. 1460. insurrection; when, on his arrival at Wakefield, he found himself so much outnumbered by his enemies. He threw himself into Sandal castle, which was situated in the neighbourhood; and he was advised by the earl of Salisbury, and other prudent counsellors, to remain in that fortress, till his son, the earl of Marche, who was levying forces in the borders of Wales, could advance to his assistance *. But the duke, tho' deficient in political courage, possessed personal bravery to an eminent degree; and notwithstanding all his wisdom and experience, he thought, that he should be forever disgraced, if, by taking shelter behind walls, he should for a moment resign the victory to a woman. He descended into the plain, and offered battle to the enemy, which was instantly accepted. The great inequality of number was sufficient alone to decide the victory; but the Queen, by sending a detachment, who fell on the back of the duke's army, rendered her advantage still more certain and undisputed. The duke himself was killed in the action; and as his body was found among the slain, the head was cut off by Margaret's orders, and fixed on the gates of York, with a paper crown upon it, in derision of his pretended title. His son, the earl of Rutland, a youth of seventeen, was brought to lord Clifford; and that barbarian, in revenge of his father's death, who had perished in the battle of St. Alban's, murdered, in cold blood, and with his own hands, this innocent prince, whose exterior figure, as well as other accomplishments, are represented by historians as extremely amiable. The earl of Salisbury was wounded and taken prisoner, and immediately beheaded, with several other persons of distinction, by martial law at Pomfret †. There fell near three thousand of the Yorkists in this battle: The duke himself was greatly and justly lamented by his own party; a prince who surely merited a better fate, and whose errors in conduct proceeded entirely from such qualities, as render him the more an object of esteem and affection. He perished in the fiftieth year of his age, and left behind him three sons, Edward, George, and Richard, with three daughters, Anne, Elizabeth, and Margaret.

Battle of Wakefield. 24th Decem.

Death of the duke of York.

1461. The queen, after this important victory, divided her army; and sent the smaller division under Jasper Tudor, earl of Pembroke, half brother to the King, against Edward, the present duke of York. She marched herself with the larger division towards London, where the earl of Warwic was left with the command of the Yorkists. Pembroke was defeated by Edward at Mortimer's Cross in Herefordshire with the loss of near 4000 men: His army was dispersed; he himself escaped by flight; but his father, Sir Owen Tudor, was taken prisoner, and immediately beheaded by Edward's orders. This barbarous practice, being once

Battle of Mortimer's cross.

* Stowe, p. 412. † Polyd. Virg. p. 510.

begun,

begun, was continued by both parties, from revenge, which covered itſelf under the pretence of retaliation *. Chap. XXI. 1461.

MARGARET compenſated this defeat by a victory which ſhe obtained over the earl of Warwic. That nobleman, on the approach of the Lancaſtrians, led out his army, re-inforced by a ſtrong body of the Londoners, who were very affectionate to his cauſe; and he gave battle to the Queen at St. Albans. While the armies were warmly engaged, Lovelace, who commanded a conſiderable body of the Yorkiſts, treacherouſly withdrew from the combat; and this diſhonourable action, of which there are many inſtances in theſe civil wars, decided the victory in favour of the Queen. About 2300 of the Yorkiſts periſhed in the battle and flight; and the perſon of the King fell again into the hands of his own party. This weak prince was ſure to be almoſt equally a priſoner whichever party had the keeping of him; and ſcarce any more decorum was obſerved by the one than by the other in their method of treating him. Lord Bonville, to whoſe care he had been entruſted, ſtaid with him after the defeat, on aſſurance of pardon, given him by Henry: But Margaret, regardleſs of her huſband's promiſe, ordered immediately the head of that nobleman to be ſtruck off by the executioner †. Sir Thomas Kiriel, a brave warrior, who had ſignalized himſelf in the French wars, was treated in the ſame inhuman manner. Second battle of St. Alban's.

THE Queen made no great advantage of this victory: Young Edward advanced upon her from the other ſide; and collecting the remains of Warwic's army, was ſoon in a condition of giving her battle with ſuperior forces. She was ſenſible of her danger, if ſhe lay between the enemy and the city of London; and ſhe found it neceſſary to retreat with her army to the north ‡. Edward entered London amidſt the acclamations of the citizens, and immediately opened a new ſcene to his party. This prince, in the bloom of youth, remarkable for the beauty of his perſon, for his bravery, his activity, his affability, and every popular quality, found himſelf ſo much poſſeſſed of public favour, that, elated with the ſpirit, natural to his age, he reſolved no longer to confine himſelf within thoſe narrow limits, which his father had preſcribed to himſelf, and which had been found by experience ſo prejudicial to his cauſe. He determined to aſſume the name and dignity of King; to inſiſt openly on his claim; and thenceforth, to treat the oppoſite party as traitors and rebels to his lawful authority. But as a national conſent, or the appearance of it, ſeemed, notwithſtanding his plauſible title, to be ſtill requiſite to precede this bold meaſure, and as the aſſembling a parliament might occaſion too many delays, and be attended with other inconveniencies, he ventured to proceed in a leſs regular manner, and to put it out of the

* Holingſhed, p. 660. Graſton, p. 650. † Holingſhed, 660. ‡ Graſton, p. 652.

power,

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power of his enemies to throw obſtacles in the way of his advancement. His army was ordered to aſſemble in St. John's Fields; infinite numbers of people ſurrounded them; an harangue was pronounced to this mixed multitude, ſetting forth the title of Edward, and inveighing againſt the tyranny and uſurpation of the rival family; and the people were then aſked, whether they would have Henry of Lancaſter for King? They univerſally exclaimed againſt the propoſal. It was then demanded, whether they would accept of Edward, eldeſt ſon of the late duke of York? They expreſſed their conſent with loud and joyful acclamations *.

Edward IV. aſſumes the crown.

A great number of biſhops, lords, magiſtrates, and other perſons of diſtinction, were then aſſembled at Baynard's caſtle, who ratified the popular election; and the new King was next day proclaimed in London, under the name of Edward IV †.

5th March.

In this manner, finiſhed the reign of Henry VI. a monarch, who, while yet in his cradle, had been proclaimed King both of France and England, and who began his life with the moſt ſplendid proſpects, which any prince in Europe had ever enjoyed. The revolution was unhappy for his people, as it was the ſource of civil wars; but was almoſt entirely indifferent to Henry himſelf, who was utterly incapable of exerciſing his authority, and who, provided he met perſonally with good uſage, was equally eaſy, as he was equally enſlaved, in the hands of his enemies and of his friends. His weakneſs and his diſputed title were the chief cauſes of the public misfortunes: But whether his Queen, and his miniſters, were not alſo guilty of ſome great abuſes of power, it is not eaſy for us at this diſtance to determine: There remain no proofs on record of any conſiderable violation of the laws, except in the death of the duke of Gloceſter, which was a private crime, formed no precedent, and was but too much of a piece with the uſual ferocity and cruelty of the times.

Miſcellaneous tranſactions of this reign.

The moſt remarkable law, which paſſed in this reign, was that for the due election of members of parliament in counties. After the fall of the feudal ſyſtem, the diſtinction of tenures was in a great meaſure loſt; and every freeholder, as well thoſe who held of meſne lords, as the immediate tenants of the crown, were by degrees admitted to give their votes at elections. This innovation was confirmed by a law of Henry IV ‡; which gave right to ſuch a multitude of electors, as was the occaſion of great diſorder. In the eighth and tenth of this King, therefore, laws were enacted, limiting the electors to ſuch as poſſeſſed forty ſhillings a year in land, free from all burthen, within the county §. This

* Stowe, p. 415. Holingſhed, p. 661. † Graſton, p. 653. ‡ Statutes at large, 7. Henry IV. cap. 15. § Statutes at large, 8. Henry VI. cap. 7. 10 Henry VI. cap. 2.

sum was equivalent to near twenty pounds a year of our present money; and it were to be wished, that the spirit, as well as letter of this law, had been maintained. Chap. XXI. 1461.

The preamble of the statute is remarkable: "Whereas the elections of knights, "have of late, in many counties of England, been made by outrageous, and excessive numbers of people, many of them of small substance and value, yet pretending to a right equal to the best knights and esquires; whereby manslaughters, riots, batteries, and divisions among the gentlemen and other people of "the same counties, shall very likely rise and be, unless due remedy be provided "in this behalf, *&c.*" We may learn from these expressions what an important matter the election of a member of parliament was now become in England: That assembly was beginning in this period to assume great authority: The commons had it much in their power to enforce the execution of the laws; and if they failed in their duty, in this particular, it proceeded less from any exorbitant power of the crown, than from the licentious spirit of the aristocracy, and perhaps from the rude education of the age, and their own want of a due sense of the advantages resulting from a regular administration of justice.

When the duke of York, the earls of Salisbury and Warwic, fled the kingdom upon the desertion of their troops, a parliament was summoned at Coventry in 1460, by which they were all attainted. This parliament seems to have been very irregularly constituted, and scarcely deserves the name: Insomuch, that an act passed in it, "that all such knights of any county, as were returned by virtue of the King's letters, without any other election, should be valid, and that "no sheriff, for returning them, should incur the penalty of the statute of Henry IV *." All the acts of that parliament were afterwards reversed; "because it was unlawfully summoned, and the knights and barons not duly chosen †."

The parliaments in this reign, instead of relaxing their vigilance against the usurpations of the court of Rome, endeavoured to enforce the former statutes enacted to that purpose. The commons petitioned, that no foreigner should be capable of any church preferment, and that the patron might be allowed to present anew upon the non-residence of any incumbent ‡: But the King eluded these petitions. Pope Martin wrote him a severe letter against the statute of provisors; which he calls an abominable statute, that would infallibly damn every one, who observed it §. The cardinal of Winchester was legate; and being also a kind of prime minister, and immensely rich from the profits of his clerical dignity, the parliament became jealous of his extending the papal power; and they protested, that the

* Cotton, p. 664. † Statutes at large, 39 Henry VI. cap. 1. ‡ Cotton, p. 585.
§ Burnet's Collection of Records, vol. 1. p. 99.

cardinal

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cardinal ſhould abſent himſelf in all affairs and councils of the King, whenever the Pope or See of Rome was touched upon *.

PERMISSION was given by parliament to export corn when it was at low prices; wheat at ſix ſhillings and eight pence a quarter, barley at three ſhillings and four pence †. It appears from theſe prices, that corn ſtill remained at about half of its preſent value; tho' other commodities were much cheaper. The inland commerce of corn was alſo opened in the eighteenth of the King, by allowing any collector of the cuſtoms to give a licence for carrying it from one county to another ‡. The ſame year a kind of navigation act was propoſed with regard to all places within the Streights; but the King rejected it §.

THE firſt inſtance of debt contracted upon parliamentary ſecurity occurs in this reign ‖.

* Cotton, p. 593. † Statutes at large, 15. Henry VI. cap. 2. 23. Henry VI. cap. 6.
‡ Cotton, p. 625. § Cotton, p. 626. ‖ Cotton, p. 593, 614, 638.

CHAP.

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EDWARD IV.

Battle of Touton——Henry eſcapes into Scotland——A parliament——Battle of Hexham——Henry taken priſoner, and confined to the Tower——King's marriage with the lady Elizabeth Gray——Warwic diſguſted——Alliance with Burgundy——Inſurrection in Yorkſhire——Battle of Banbury——Warwic and Clarence baniſhed——Warwic and Clarence return——Edward IV. *expelled——Henry* VI. *reſtored——Edward* IV. *returns——Battle of Barnet, and death of Warwic——Battle of Teukeſbury, and murder of prince Edward——Death of Henry* VI.*—Invaſion of France——Peace of Pecquigni——Trial and execution of the duke of Clarence——Death and character of Edward* IV.

YOUNG Edward, now in his twentieth year, was of a temper well fitted to make his way thro' ſuch a ſcene of war, havoc, and devaſtation, as muſt conduct him to the full poſſeſſion of that crown, which he claimed from hereditary right, but which he had aſſumed from the tumultuary election alone of his own party. He was bold, active, enterprizing; and his hardneſs of heart and ſeverity of character rendered him impregnable to all thoſe movements of compaſſion, which might relax his vigour in the proſecution of the moſt bloody revenges againſt his enemies. The very commencement of his reign gave ſymptoms of his ſanguinary diſpoſition. A tradeſman of London, who kept ſhop at the ſign of the crown, having ſaid, that he would make his ſon heir to the crown; this harmleſs pleaſantry was interpreted to be ſpoke in deriſion of Edward's aſſumed title; and he was condemned and executed for the offence*. Such an act of tyranny was a proper prelude to the ſcenes, which enſued. The ſcaffold, as well as the field, ſtreamed inceſſantly with the nobleſt blood of England, ſpilt in the quarrel between the two contending families, whoſe animoſity was now be- Chap. XXII. 1461.

* Habington in Kennet, p. 431. Grafton, p. 791.

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come implacable. The people, divided in their affections, took alſo oppoſite ſymbols of party: The partizans of the houſe of Lancaſter choſe the red roſe as their mark of diſtinction; thoſe of York were denominated from the white; and theſe civil wars were thus known, all over Europe, by the name of the quarrel between the two roſes.

THE licence, in which queen Margaret had been obliged to indulge her troops, ſtruck a great terror into the city of London and all the ſouthern parts of the kingdom; and as ſhe there expected a very obſtinate reſiſtance, ſhe prudently retired northwards among her own partizans. The ſame licence, joined to the zeal of faction, ſoon brought great multitudes to her ſtandard; and ſhe was able, in a few days, to aſſemble an army ſixty thouſand ſtrong in Yorkſhire. The King and the earl of Warwic made haſte, with an army of forty thouſand, to check her progreſs; and when they reached Pomfret, they diſpatched a body of troops, under the command of the lord Fitzwalter, to ſecure the paſſage of Ferrybridge over the river Are, which lay between them and the enemy. Fitzwalter took poſt at the place aſſigned him; but was not able to defend it againſt lord Clifford, who attacked him with ſuperior numbers. The Yorkiſts were chaced over the river with great ſlaughter; and lord Fitzwalter himſelf was ſlain in the action *. The earl of Warwic, dreading the conſequences of this misfortune, at a time when a deciſive action was every hour expected, immediately ordered his horſe to be brought him, which he ſtabbed before the whole army; and kiſſing the hilt of his ſword, ſwore, that he was determined to ſhare the fate of the meaneſt ſoldier †. And to ſhow the greater ſecurity, a proclamation was at the ſame time iſſued, giving to every one who pleaſed full liberty to retire; but menacing the ſevereſt puniſhments to thoſe who ſhould diſcover any ſymptoms of cowardice in the enſuing battle ‡. Lord Falconbridge was ſent to recover the poſt which had been loſt; he paſſed the river ſome miles above Ferrybridge, and falling unexpectedly on lord Clifford, he revenged the former diſaſter by the defeat of the party and the death of their leader §.

Battle of Touton. 29th of Mar.

THE two hoſtile armies met at Touton; and a fierce and bloody battle enſued. While the Yorkiſts were advancing to the charge, there happened a great fall of ſnow, which, driving full on the faces of their enemies, blinded them; and this advantage was improved by a ſtratagem of lord Falconbridge. That nobleman ordered ſome infantry to advance before the line, and after having ſent a volley of flight-arrows, as they were called, amidſt the enemy, immediately to retire. The Lancaſtrians, imagining that they were got within reach of the oppoſite

* W. Wyrceſter, p. 489. Hall, fol. 186. Holingſhed, p. 664. † Habington, p. 432.
‡ Holingſhed, p. 664. § Hiſt. Croyl. cont. p. 532.

army, discharged all their arrows, which thus fell short of the Yorkists, without doing any execution *. After the quivers of the enemy were exhausted, Edward advanced his line, and committed slaughter with impunity on the dismayed Lancastrians: The bow however was soon laid aside, and the sword decided the combat, which ended in a total victory on the side of the Yorkists. Edward issued orders to give no quarter †: The routed army was pursued to Tadcaster with great bloodshed and confusion; and above thirty six thousand men are computed to have fallen in the battle and pursuit ‡: Among these were the earl of Westmoreland, and his brother, Sir John Nevil, the earl of Northumberland, the lords Dacres and Welles, and Sir Andrew Trollop §. The earl of Devonshire, who was now engaged in Henry's party, was brought a prisoner to Edward; and was soon after beheaded by martial law at York. His head was fixed on a pole erected over the gates of that city; and the head of duke Richard and that of the earl of Salisbury were taken down, and buried with their bodies. Henry and Margaret had remained at York during the action; but learning the defeat of their army, and being sensible, that no place in England could now afford them shelter, they fled with great precipitation into Scotland. They were accompanied by the duke of Exeter, who, tho' he had married Edward's sister, had taken part with the Lancastrians, and by Henry duke of Somerset, who had commanded in the unfortunate battle of Touton, and who was the son of that nobleman killed in the first battle of St. Albans.

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NOTWITHSTANDING the great animosity, which prevailed between the two kingdoms, Scotland had never exerted itself with vigour, to take advantage either of the wars which England carried on with France, or of the civil wars which broke out between the contending families. James I. more laudably employed, in civilizing his subjects and taming them to the salutary yoke of law and justice, avoided all hostilities with foreign nations; and tho' he seemed interested to maintain a ballance between France and England, he gave no farther assistance to the former kingdom in its greatest distresses, than permitting, and perhaps encouraging, his subjects to inlist in the French service. After the murder of that excellent prince, the minority of his son and successor, James II. and the distractions incident to it, retained the Scots in the same state of neutrality; and the superiority, visibly acquired by France, rendered it then unnecessary for her ally to interpose in her defence. But when the quarrel commenced between the houses of York and Lancaster, and became absolutely incurable but by the total extinction of one party; James, who had now risen to man's estate, was tempted

Henry escapes into Scotland.

* Hall, fol. 186. † Habington, p. 432. ‡ Holingshed, p. 665. Grafton, p. 656. Hist. Croyl. cont. p. 533. § Hall, fol. 187. Habington, p. 433.

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to ſeize this advantage, and he endeavoured to recover thoſe places, which the Engliſh had formerly conquered from his anceſtors. He laid ſiege to the caſtle of Roxborough in 1460, and had provided himſelf of a ſmall train of artillery for that enterprize: But his cannon were ſo ill framed, that one of them burſt as he was firing it, and put an end to his life in the flower of his age. His ſon and ſucceſſor, James III. was alſo a minor: The uſual diſtractions enſued in the government: The queen dowager, Anne of Gueldres, aſpired to the regency: The family of Douglas oppoſed her pretenſions: And queen Margaret, when ſhe fled into Scotland, found there a people little leſs divided by faction than thoſe by whom ſhe had been expelled. Tho' ſhe pleaded the connexions between the royal family of Scotland and the houſe of Lancaſter, by the young King's grandmother, who was a daughter of the earl of Somerſet; ſhe could engage the Scots council to go no farther than to expreſs their good wiſhes in her favour: But on her offer to deliver to them immediately the important fortreſs of Berwic, and to contract her ſon in marriage with a ſiſter of King James's, ſhe found a better reception; and the Scots promiſed the aſſiſtance of their arms to re-inſtate her family upon the throne *. But as the danger from that quarter ſeemed not very urgent to Edward, he did not purſue the fugitive King and Queen into their retreat; but returned to London, where a parliament was ſummoned for ſettling the government.

4th of Novr. A parliament.

ON the meeting of this aſſembly, Edward found the good effects of his vigorous meaſure in aſſuming the crown, as well as of his victory at Touton, by which he had ſecured it: The parliament no longer heſitated between the two families, or propoſed any of thoſe ambiguous deciſions, which could only tend to perpetuate and inflame the animoſities of party. They recognized the title of Edward to the crown, by hereditary deſcent, thro' the family of Mortimer; and declared that he was King in right, from the death of his father, who had alſo the ſame lawful title; and that he was in poſſeſſion of the throne from the day that he aſſumed the government, tendered to him by the acclamations of the people †. They expreſſed their abhorrence of the uſurpation and intruſion of the houſe of Lancaſter, particularly that of the earl of Derby, otherwiſe called Henry IV. which, they ſaid, had been attended with every kind of diſorder, the murder of the ſovereign and the oppreſſion of the ſubjects. They annulled every grant which had paſſed in thoſe reigns; they reinſtated the King in all the poſſeſſions, which had belonged to the crown at the pretended depoſition of Richard II. and tho' they confirmed judicial deeds and the decrees of inferior courts,

* Hall, fol. 137. Habington, p. 434. † Cotton, p. 670.

they

they reverſed all attainders paſſed in any pretended parliament; particularly the attainder of the earl of Cambridge, the King's grandfather; as well as that of the earls of Saliſbury and Gloceſter and of lord Lumley, who were forfeited for adhering to Richard II. *

MANY of theſe votes were the reſult of the uſual violence of party: The common ſenſe of mankind, in more peaceable times, repealed them: And the ſtatutes of the houſe of Lancaſter, being the deeds of an eſtabliſhed government, and enacted by princes long poſſeſſed of authority, have always been held as valid and obligatory. The parliament, however, in ſubverting ſuch deep foundations, had ſtill the pretence of replacing the government on its antient and natural baſis: But in their ſubſequent meaſures, they were more guided by revenge, or at leaſt the views of convenience, than by the maxims of equity and juſtice They paſſed an act of forfeiture and attainder againſt Henry VI. and queen Margaret, and their infant ſon, prince Edward: The ſame act was extended to the dukes of Somerſet and Exeter; to the earls of Northumberland, Devonſhire, Pembroke, Wilts; to the viſcount Beaumont, the lords Roos, Nevil, Clifford, Wells, Dacre, Gray of Rugemont, Hungerford; to Alexander Hedie, Nicholas Latiner, Edmond Mountfort, John Heron, and many other perſons of diſtinction †. The parliament veſted the eſtates of all theſe attainted perſons in the crown; tho' their ſole crime was the adhering to a prince, whom every individual of the parliament had ſo long recognized, and whom that very King himſelf, who was now ſeated on the throne, had acknowledged and obeyed as his lawful ſovereign.

THE neceſſity of ſupporting the government eſtabliſhed, will juſtify more fully ſome other acts of violence; tho' the method of conducting them may ſtill appear exceptionable. John earl of Oxford and his ſon, Aubrey de Vere, were detected in a correſpondence with Margaret, were tried by martial law before the conſtable, were condemned and executed ‡. Sir William Tyrrel, Sir Thomas Tudenham, and John Montgomery were convicted in the ſame arbitrary court; were executed, and their eſtates forfeited. This introduction of martial law into civil government was a high ſtrain of prerogative; which, were it not for the violence of the times, would probably have appeared exceptionable to a nation ſo jealous of their liberties as the Engliſh were now become §. It was impoſ-

* Cotton, p, 672. Statutes at large, 1 Edw. IV. cap. 1. † Cotton, p. 670. W. Wyrceſter, p. 490. ‡ W. de Wyrceſter, p. 492. Hall, fol. 189. Grafton, p. 653. Fabian, fol. 215. Fragm. ad finem. T. Sproti.

§ That we may judge how arbitrary a court, that of the conſtable of England was, we may peruſe the patent granted to the earl of Rivers in this reign, as it is to be found in Spellman's Gloſſary in verb.

Chap. XXII. 1461. impoſſible but ſuch a great and ſudden revolution muſt leave the roots of diſcontent and diſſatisfaction in the ſubjects, which would require great art, or in lieu of it, great violence to extirpate them. The latter was more ſuitable to the genius of the nation in that uncultivated age.

But the new eſtabliſhment ſeemed precarious and uncertain, not only from the domeſtic diſcontents of the people, but from the efforts of foreign powers. Lewis, the eleventh of the name, had ſucceeded to his father, Charles, in 1460; and was led, from the obvious motives of national intereſt, to feed the flames of civil diſcord among ſuch dangerous neighbours, by giving ſupport to the weaker party. But the intriguing and politic genius of this prince was here checked by itſelf: Having attempted to ſubdue the independant ſpirit of his own vaſſals, he had excited ſuch an oppoſition at home, as prevented him from making all the advantage, which the opportunity afforded, of the diſſenſions among the Engliſh. 1462. He ſent however a ſmall body to Henry's aſſiſtance under Varenne, Seneſchal of Normandy *, who landed in Northumberland, and got poſſeſſion of the caſtle of Alnewic; but as the indefatigable Margaret, went in perſon to France, where ſhe ſollicited larger ſupplies †; and promiſed Lewis to deliver up Calais, if her family was by his means reſtored to the throne of England; he was afterwards perſuaded to ſend along with her a body of 2000 men at arms ‡, which enabled 1464. her to take the field, and to make an inroad into England. Tho' re-inforced by

verb. *Conſtabularius*; as alſo, more fully in Rymer, vol. 11. p. 581. Here is a clauſe of it: *Et ulterius de uberiori gratia noſtra eidem commiti de Rivers plenam poteſtatem damus ad cognoſcendum, & procedendum, in omnibus, & ſingulis, cauſis et negotiis, de et ſuper crimino leſæ majeſtatis ſeu ſuper occaſione cæteriſque cauſis, quibuſcunque per præfatum comitem de Rivers, ut conſtabuliarum Angliæ——quæ in curia conſtabularii Angliæ ab antiquo*, viz. *tempore dicti domini Gulielmi conqueſtoris ſeu aliquo tempore citra tractari, audiri, examinari, aut decidi conſueverant, aut jure debuerant, aut debent, cauſaſque et negotia prædicta cum omnibus et ſingulis emergentibus, incidentibus & connexis, audiendum, examinandum, et fine debito terminandum, etiam* ſummarie et de plano, ſine ſtrepitu et figura juſtitiæ, ſola facti veritate inſpecta, *ac etiam manu regia, ſi opportunum viſum fuerit eidem comiti de Rivers, vices noſtras, appellatione remota.* The office of conſtable was perpetual in the monarchy; its juriſdiction was not limited to times of war, as appears from this patent, and as we learn from the ſame author: Yet its authority was in direct contradiction to *Magna Charta*; and it is evident that no *regular* liberty could ſubſiſt with it. It involved a full dictatorial power, continually ſubſiſting in the ſtate. The only check on the crown, beſides the want of force to ſupport all its prerogatives, was, that the office of conſtable was commonly either hereditary or during life; and the perſon inveſted with it, was, for that reaſon, not ſo proper an inſtrument of arbitrary power in the King. Accordingly, the office was ſuppreſſed by Henry VIII. the moſt arbitrary of all the Engliſh princes. The practice, however, of exerciſing martial law, ſtill ſubſiſted; and was not aboliſhed till the Petition of Right under Charles I. This was the epoch of true liberty, confirmed by the Reſtoration, and enlarged and ſecured by the Revolution.

* Monſtrelet, vol. 3. p. 95. † W. Wyrceſter, p. 493. Hall, fol. 190. Holingſhed, p. 665.
‡ W. Wyrceſter, p. 493.

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a numerous train of adventurers from Scotland, and by many partizans of the family of Lancaſter; ſhe received a check at Hedgley-more from lord Montacute or Montague, brother to the earl of Warwic, and warden of the eaſt Marches between Scotland and England *. Montague was ſo elated with this ſucceſs, that, while a numerous re-inforcement was on their march to join him by orders from Edward, he yet ventured, with his own troops alone, to attack the Lancaſtrians at Hexham, and he obtained a complete victory over them. The duke of Somerſet, the lords Roos, and Hungerford, were taken in the purſuit, and immediately beheaded by martial law at Hexham †. Summary juſtice was in like manner executed at Newcaſtle on ſir Humphrey Nevil, and ſeveral other gentlemen ‡. All thoſe who were ſpared in the field, ſuffered on the ſcaffold; and the utter extermination of their adverſaries was now become the plain object of the York party; a conduct, which received but too plauſible an apology from the preceding practice of the Lancaſtrians.

Chap. XXII. 1464. 25th April.

Battle of Hexham. 15th May.

The fate of the unfortunate royal family, after this defeat, was very ſingular. Margaret, flying with her ſon into a foreſt, where ſhe endeavoured to conceal herſelf, was beſet, during the darkneſs of the night, by robbers, who either ignorant or regardleſs of her quality, deſpoiled her of her rings and jewels, and treated her with the utmoſt indignity. The partition of this rich booty raiſed a quarrel among them; and while their attention was thus engaged, ſhe took the opportunity of making her eſcape with her ſon into the thickeſt of the foreſt, where ſhe wandered for ſome time, over ſpent with hunger and fatigue, and ſunk with terror and affliction. While in this wretched condition, ſhe ſaw a robber approach with his naked ſword; and finding that ſhe had no means of eſcape, ſhe ſuddenly embraced the reſolution of truſting entirely for protection to his faith and generoſity. She advanced towards him; and preſenting to him the young prince, called out to him, *Here, my friend, I commit to your care the ſafety of your King's ſon.* The man, whoſe humanity and generous ſpirit had been obſcured, but not entirely loſt, by his vicious courſe of life, was ſtruck with the ſingularity of the event, and charmed with the confidence repoſed in him; and he vowed, not only to abſtain from all injury againſt the princeſs, but to devote himſelf entirely to her ſafety and protection §. By his means ſhe dwelt ſome time concealed in the foreſt, and was at laſt conducted to the ſea coaſt, whence ſhe made her eſcape into Flanders. She paſſed thence into her father's court, where ſhe lived ſeveral years in privacy and retirement. Her huſband was not ſo fortunate or ſo dextrous in finding the means of his eſcape. Some of his friends took him un-

* Rymer, vol. 11. p. 500. † W. Wyrceſter, p. 498. Hall, fol. 190. Graſton, p. 661.
‡ Fabian, fol. 215. Polyd. Virg. p. 512, 513. § Monſtrelet, vol. 3. p. 96.

der

Chap. XXII. 1464.

der their protection, and conveyed him into Lancashire; where he remained concealed during a twelvemonth; but he was at last detected, delivered up to Edward, and thrown into the Tower *. The safety of his person was owing less to the generosity of his enemies, than to the contempt, which they had entertained of his courage and his understanding.

The imprisonment of Henry, the expulsion of Margaret, the execution and confiscation of all the most considerable Lancastrians, seemed to give full security to Edward's government; whose title by blood, being now recognized by parliament, and universally submitted to by the people, was no longer in danger of being impeached by any antagonist. In this prosperous situation, the King delivered himself up, without controul, to those pleasures which his youth, his high fortune, and his natural temperament invited him to enjoy; and the cares of royalty were less attended to, than the dissipation of amusement, or the allurements of passion. The cruel and unrelenting spirit of Edward, tho' enured to the ferocity of civil wars, was at the same time extremely devoted to the softer passions, which, without mitigating his severe temper, maintained a great influence over him, and shared his attachment with the pursuits of ambition, and the thirst of military glory. During the present interval of peace, he lived in the most familiar and sociable manner with his subjects †, particularly with the Londoners; and the beauty of his person, as well as the gallantry of his address, which, even unassisted by his royal dignity, would have rendered him extremely acceptable to the fair sex, facilitated all his applications for their favour. This easy and pleasurable life augmented every day his popularity among all ranks of men: He was the peculiar favourite of the young and gay of both sexes: The disposition of the English, little addicted to jealousy, kept them from taking umbrage at these liberties: And his indulgence in amusements, while it gratified his inclination, was thus become, without design, a means of supporting and securing his government: But as it is difficult to reduce the ruling passion within strict rules of prudence, the amorous temper of Edward led him into a snare which proved very fatal to his future repose, and to the stability of his throne.

King's marriage with the lady Elizabeth Gray.

Jaqueline de Luxembourg, dutchess of Bedford, had, after her husband's death, so far sacrificed her ambition to love, that she espoused, in second marriage, sir Richard Wideville, a private gentleman, afterwards created lord Rivers, to whom she bore several children, and among the rest, Elizabeth, who was remarkable for the grace and beauty of her person, as well as for other amiable accomplishments. This young lady had married sir John Gray of Groby, by whom she had children; and her husband being killed in the second battle of St. Albans,

* Hall, fol. 191. Fragm. ad finem Sproti. † Polyd. Virg. p. 513. Biondi.

fighting

fighting on the side of Lancaster, and his estate being for that reason confiscated, his widow retired to live with her father, at his seat of Grafton in Northamptonshire. The King came accidentally to the house, after a hunting party, in order to pay a visit to the duchess of Bedford; and as the occasion seemed favourable for obtaining some grace from this gallante monarch, the young widow flung herself at his feet, and with many tears, entreated him to take pity on her impoverished and distressed children. The sight of so much beauty in affliction, strongly affected the amorous Edward; love stole insensibly into his heart under the guise of compassion; and her sorrow, so becoming a virtuous matron, made his esteem and regard quickly correspond to his affection. He raised her from the ground with assurances of favour; he found his passion encrease every moment, by the conversation of the amiable object; and he was soon reduced in his turn to the posture and stile of a supplicant at the feet of Elizabeth. But the lady, either averse to dishonourable love from a sense of duty, or perceiving that the impression which she had made was so deep as to give her hopes of obtaining the highest elevation, obstinately refused to gratify his passion; and all the endearments, caresses, and importunity of the young and amiable Edward, proved fruitless against her rigid and inflexible virtue. His passion, irritated by opposition, and encreased by his veneration for such honourable sentiments, carried him at last beyond all bounds of reason; and he offered to share his throne, as well as his heart, with the woman, whose beauty of person, and dignity of character, seemed so well to entitle her to both. The marriage was celebrated privately at Grafton *: The secret was carefully kept for some time: No one suspected, that so libertine a prince could sacrifice so much to a romantic passion: And there were in particular strong reasons, which at that time rendered this step in the highest degree dangerous and imprudent.

Chap. XXII. 1464.

The King, desirous to secure his throne, as well by the prospect of issue, as by foreign alliances, had, a little before, determined to make application to some neighbouring princess; and he had cast his eye on Bona of Savoy, sister to the Queen of France, who, he hoped, would, by his marrying her, ensure him the friendship of that power, which was alone both able and inclined to give support and assistance to his rival. To render the negotiation more successful, the earl of Warwic had been dispatched to Paris, where the princess then resided; he had demanded Bona in marriage for the King; his proposals had been accepted; the treaty was fully concluded; and nothing remained but the ratification of the terms agreed on, and the bringing over the princess into England †. But when

* Hall, fol. 193. Fabian, fol. 216. † Hall, fol. 193. Habington, p. 437. Holingshed, p. 667. Grafton, p. 665. Polyd. Virg. p. 513.

Chap. XXII. 1464. the ſecret of Edward's marriage broke out, the haughty earl, deeming himſelf affronted, both by being employed in this deceitful negotiation, and by being kept a ſtranger to the King's intentions, who had owed every thing to his friendſhip, immediately returned to England, inflamed with rage and indignation. The influence of paſſion, over ſo young a man as Edward, might have ſerved as an excuſe for his imprudent conduct, had he deigned to acknowledge his error, or had pleaded his weakneſs as an apology: But his faulty ſhame or pride prevented him from ſo much as mentioning the affair to Warwic: and that nobleman was allowed to depart the court, full of the ſame ill humour and diſcontent, which he brought to it.

Warwic diſguſted.

1466. EVERY incident now tended to widen the breach between the King and this powerful ſubject. The Queen loſt not her influence by marriage; and ſhe was equally ſolicitous to draw every grace and favour to her own friends and kindred, and to exclude thoſe of the earl, whom ſhe regarded as her mortal enemy. Her father was created earl of Rivers: He was made lord treaſurer in the room of lord Mountjoy *: He was inveſted in the office of conſtable for life; and his ſon received the ſurvivance of that high dignity †. The ſame young nobleman was married to the only daughter of lord Scales, enjoyed the great eſtate of that family, and had the title of Scales conferred upon him. Catharine, the Queen's ſiſter, was married to the young duke of Buckingham, who was a ward of the crown ‡: Mary, another of her ſiſters, eſpouſed William Herbert, created earl of Huntingdon: Anne, a third ſiſter, was given in marriage to the ſon and heir of Gray, lord Ruthyn, created earl of Kent §. The daughter and heir of the duke of Exeter, who was alſo the King's neice, was contracted to ſir Thomas Gray, one of the Queen's ſons by her former huſband; and as the lord Montague was treating of a marriage between his ſon and this lady, the preference given to young Gray was deemed an injury and affront to the whole family of Nevil.

THE earl of Warwic could not endure the leaſt diminution of that credit, which he had long enjoyed, and which he thought, he had merited by ſuch important ſervices. Tho' he had received ſo many grants from the crown, that the revenue, ariſing from them, amounted, beſides his patrimonial eſtate, to 80,000 crowns a year, according to the computation of Philip de Comines ‖; his ambitious ſpirit was ſtill diſſatisfied, ſo long as he ſaw others ſurpaſs him in authority and influence with the King ⸸. Edward alſo, jealous of that power which had ſupported him,

* W. Wyrceſter, p. 506. † Rymer, vol. 11. p. 581. ‡ W. Wyrceſter, p. 505.
§ W. Wyrceſter, p. 506. ‖ Liv. 3. chap. 4. ⸸ Polyd. Virg. p. 514.

and

and which he himſelf had contributed ſtill higher to exalt, was well-pleaſed to raiſe up rivals in credit to the earl of Warwic; and he juſtified by this political view, his extreme partiality to the Queen's kindred. But the other nobility of England, envying the ſudden growth of the Widevilles *, were more inclined to take part with Warwic's diſcontent, to whoſe grandeur they were already accuſtomed, and who had reconciled them to his ſuperiority by his gracious and popular manners. And as Edward obtained from parliament a general reſumption of all grants, which he had made ſince his acceſſion, and which had extremely impoveriſhed the crown †; this act, tho' it paſſed with ſome exceptions, particularly one in favour of the earl of Warwic, gave a general alarm to the nobility, and diſguſted many, even zealous, partizans of the family of York. Chap. XXII. 1466.

But the moſt conſiderable aſſociate, whom Warwic acquired to his party, was George, duke of Clarence, the King's ſecond brother. This prince deemed himſelf no leſs injured than the other grandees, by the uncontrouled influence of the queen and her relations; and as his fortunes were ſtill left on a precarious footing, while theirs were fully eſtabliſhed, this neglect, joined to his unquiet and reſtleſs ſpirit, inclined him to give countenance to all the male-contents ‡. The favourable opportunity of gaining him was eſpied by the earl of Warwic, who offered him in marriage his eldeſt daughter, and co-heir of his immenſe fortunes; a ſettlement, which, as it was ſuperior to any that the King himſelf could confer upon him, immediately attached him to the earl's party §. Thus an extenſive and dangerous combination was inſenſibly formed againſt Edward and his miniſtry: Tho' the object of the malecontents was not at preſent to overturn the throne, it was difficult to foreſee the extremities, to which they might be carried; and as oppoſition to an adminiſtration was always in thoſe ages proſecuted by force of arms, civil convulſions and diſorders were likely to be ſoon the reſult of theſe intrigues and confederacies.

While this cloud was gathering at home, Edward carried his views abroad, and endeavoured to ſecure himſelf againſt his factious nobility, by entering into foreign alliances. The dark and dangerous ambition of Lewis XI. the more it was known, the greater alarm it excited among all his neighbours and vaſſals; and as it was ſupported by great abilities, and unreſtrained by any principles of faith or humanity, they found no ſecurity to themſelves but by a jealous combination againſt him. Philip, duke of Burgundy, was now dead: His rich and extenſive dominions were devolved to Charles, his only ſon, whoſe martial diſpoſition Alliance with the duke of Burgundy.

* Hiſt Croyl. cont. p. 539. † W. Wyrceſter, p. 508. ‡ Graſton, p. 673.
§ W. Wyrceſter, p. 511. Hall, fol. 200. Habington, p. 439. Holingſhed, p. 671. Polyd. Virg. p. 515.

Chap. XXII. 1466. acquired him the ſirname of *Hardy*, and whoſe ambition, more outrageous than that of Lewis, but ſeconded by leſs power and policy, was regarded with a more favourable eye by the other powers of Europe. The oppoſition of intereſts, and ſtill more, a natural antipathy of character, produced a declared animoſity between theſe two bad princes; and Edward was thus ſecure of the ſincere attachment of either of them, for whom he ſhould chooſe to declare himſelf. The duke of Burgundy, being deſcended by his mother, a daughter of Portugal, from John of Gaunt, was naturally inclined to favour the houſe of Lancaſter *: But this conſideration was eaſily overballanced by politicks; and Charles, perceiving the intereſt of that houſe to be extremely decayed in England, ſent over his natural brother, commonly called the baſtard of Burgundy, to carry in his name propoſals of marriage to Margaret the King's ſiſter. The alliance of Burgundy was more popular with the Engliſh, than that of France; the commercial intereſts of the two nations invited the princes to a cloſe union; their com-

1468. mon jealouſy of Lewis was a natural cement between them; and Edward, pleaſed with ſtrengthening himſelf by ſo potent a confederate, ſoon concluded the alliance, and beſtowed his ſiſter upon Charles †. A league, which Edward at the ſame time concluded with the duke of Brittany, ſeemed both to encreaſe his ſecurity, and to open to him the proſpect of rivalling his predeceſſors in thoſe foreign conqueſts, which, however ſhort-lived and unprofitable, had rendered their reign ſo popular and illuſtrious ‡.

1469. But whatever ambitious ſchemes the King might have built on theſe alliances, they were ſoon fruſtrated by inteſtine commotions, which engroſſed all his attention. Theſe diſorders probably aroſe not immediately from the intrigues of the earl of Warwic, but from accident, aſſiſted by the turbulent ſpirit of the age, by the general humour of diſcontent which that popular nobleman had inſtilled into the nation, and perhaps by ſome remains of attachment to the houſe of Lan-

Inſurrection in Yorkſhire. caſter. The hoſpital of St. Leonards near York, had received, from an antient grant of King Athelſtane, a right of levying a thrave of corn from every plough-land in the county; and as theſe charitable eſtabliſhments are very liable to abuſe, the country people complained, that the revenue of the hoſpital was no longer expended for the relief of the poor, but was ſecreted by the managers, and employed for their private purpoſes. After long repining at the contribution, they refuſed payment: Eccleſiaſtical and civil cenſures were iſſued againſt them: Their goods were diſtrained, and their perſons thrown into jail: Till, as their ill-humour

* Comines, liv. 3. chap. 4, 6. Parliament. Hiſt. vol. 2. p. 332.

† Hall, fol. 169, 197.

‡ W. Wyreeſter, p. 5.

daily

daily encreaſed, they roſe in arms; fell upon the officers of the hoſpital, whom they put to the ſword; and proceeded in a body, fifteen thouſand ſtrong, to the gates of York *. The lord Montague, who commanded in thoſe parts, oppoſed himſelf to their progreſs; and having been ſo fortunate in a ſkirmiſh as to ſeize Robert Hulderne their leader, he ordered him immediately to be led to execution; according to the barbarous and illegal practice of thoſe times †. The rebels, however, ſtill continued in arms; and being ſoon headed by men of greater diſtinction, Sir Henry Nevil, ſon of lord Latimer, and Sir John Coniers, they advanced ſouthwards, and began to appear dangerous to the government. Herbert, earl of Pembroke, who had received that title on the forfeiture of Jaſper Tudor, was ordered by Edward to march againſt them at the head of a body of Welſhmen; and he was joined by five thouſand archers under the command of Stafford, earl of Devonſhire, who had ſucceeded in that title to the family of Courtney, which had alſo been forfeited. But a trivial difference about quarters having begot an animoſity between theſe two noblemen, the earl of Devonſhire retired with his archers, and left Pembroke alone to encounter the rebels ‡. The two armies approached near Banbury; and Pembroke, having prevailed in a ſkirmiſh, and having taken Sir Henry Nevil priſoner, ordered him immediately to be put to death, without any form of proceſs. This execution enraged, without terrifying, the rebels: They attacked the Welſh army, routed them, put them to the ſword without mercy; and having ſeized Pembroke, they took immediate revenge upon him for the death of their leader §. The King, imputing this misfortune to the earl of Devonſhire, who had deſerted Pembroke, ordered him to be executed in a like ſummary manner. But theſe ſpeedy executions, or rather open murders, did not ſtop there: The northern rebels, ſending a party to Grafton, ſeized the earl of Rivers and his ſon, John; men who had become obnoxious by their near relation to the King and his partiality towards them: And theſe noblemen were immediately executed by orders from Sir John Coniers ‖.

Chap. XXII. 1469.

Battle of Banbury. 26th July.

THERE is no part of Engliſh hiſtory ſince the Conqueſt, ſo obſcure, ſo uncertain, ſo little authentic or conſiſtent, as that of the wars between the two Roſes: Hiſtorians differ about many material circumſtances; ſome events of the utmoſt conſequence, in which they almoſt all agree, are incredible and contradicted by records †; and it is remarkable, that this profound darkneſs falls upon us juſt on the

* Hall, fol. 200. Holingſhed, p. 672. Polyd. Virg. p. 516.
† Grafton, p. 674.
‡ Stowe, p. 221. Holingſhed, p. 672. Fragm. ad finem Sprotti. Grafton, p. 676, 677.
§ Hall, fol. 201, 202.
‖ Fabian, fol. 217.

† We ſhall give an inſtance: Almoſt all the hiſtorians, even Comines, and the continuator of the annals of Croyland, aſſert, that Edward was about this time taken priſoner by Clarence and Warwic, and

Chap. XXII. 1469. the eve of the reſtoration of letters, and when the art of Printing was already known in Europe. All we can diſtinguiſh with certainty thro' the deep cloud, which covers that period, is a ſcene of horror and bloodſhed, ſavage manners, arbitrary executions, and treacherous diſhonourable conduct in all parties. There is no poſſibility, for inſtance, of accounting for the views and intentions of the earl of Warwic at this time. It is agreed, that he reſided, with his ſon in law, the duke of Clarence, in his government of Calais during the commencement of this rebellion; and that his brother, Montague, acted with vigour againſt the northern rebels. We may thence preſume, that the inſurrection had not proceeded from the ſecret councils and inſtigation of Warwic; tho' the murder, committed by the rebels, on the earl of Rivers, his capital enemy, forms, on the other hand, a violent preſumption againſt him. He and Clarence came over to England, offered their ſervice to Edward, were received without any ſuſpicion, were entruſted by him in the higheſt commands *, and ſtill perſevered in their fidelity. Soon after, we find the rebels quieted and diſperſed by a general pardon granted by Edward from the advice of the earl of Warwic: But why ſo courageous a prince, if ſecure of Warwic's fidelity, ſhould have granted a general pardon to men, who had been guilty of ſuch violent and perſonal outrages againſt him, is not intelligible; nor why that nobleman, if unfaithful, ſhould have endeavoured to appeaſe a rebellion, of which he was able to make ſuch advantages. But it appears, that, after this inſurrection, there was an interval of peace, during which the King loaded the family of Nevil with honours and favours of the higheſt nature: He made the lord Montague a marqueſs, by the ſame name: He created his ſon, George, duke of Bedford †: He declared publicly his inten-

and was committed to the cuſtody of the archbiſhop of York, brother to the earl; but being allowed to take the diverſion of hunting by this prelate, he made his eſcape, and afterwards chaced the rebels out of the kingdom. But that all the ſtory is falſe appears from Rymer, where we find, that the King, throughout all this period, continually exerciſed his authority, and never was interrupted in his government. On the 7th of March 1470, he gives a commiſſion of array to Clarence, whom he then imagined a good ſubject; and on the 23d of the ſame month, we find him iſſuing an order for apprehending him. Beſides, in the King's manifeſto againſt the duke and earl (Clauſ. 10 Edw. IV. m. 7, 8.) where he enumerates all their treaſons, he mentions no ſuch fact: He does not ſo much as accuſe them of exciting young Welles's rebellion: He only ſays, that they exhorted him to continue in his rebellion. We may judge how ſmaller facts will be miſrepreſented by hiſtorians, who can in the moſt material tranſactions miſtake ſo groſsly. There may even ſome ſcruple ariſe with regard to the propoſals of marriage made to Bona of Savoy; tho' almoſt all the hiſtorians concur in it, and the fact be very likely in itſelf: For there are no traces in Rymer of any ſuch embaſſy of Warwic's to France. The chief certainty in this and the preceding reign ariſes either from public records, or from the notice taken of certain paſſages by the French hiſtorians. On the contrary, for ſome centuries after the Conqueſt, the French hiſtory is not compleat without the aſſiſtance of Engliſh authors.

* Rymer, vol. 11, p. 647, 649, 650. † Cotton, p. 702.

tion of marrying that young nobleman to his eldeſt daughter, Elizabeth, who, as he had yet no ſons, was the preſumptive heir of the crown: Yet we find, that, ſoon after, being invited to a feaſt by the archbiſhop of York, a younger brother of Warwic and Montague, he entertained a ſudden ſuſpicion, that they intended to ſeize his perſon or to murder him: And he abruptly departed from the entertainment *. Chap. XXII.

Soon after, there broke out another rebellion, which is as unaccountable as all the preceding events; chiefly becauſe no ſufficient reaſon is aſſigned for it, and becauſe, ſo far as it appears, the family of Nevil had no hand in exciting and fomenting it. It aroſe in Lincolnſhire, and was headed by Sir Robert Welles, ſon to the lord of that name. The army of the rebels amounted to 30,000 men; but the lord Welles himſelf, far from giving countenance to them, fled into a ſanctuary, in order to ſecure his perſon againſt the King's anger or ſuſpicions. He was drawn from this retreat by a promiſe of ſafety; and was ſoon after, notwithſtanding this aſſurance, beheaded, along with Sir Thomas Dymoc, by orders from Edward †. The King fought a battle with the rebels, defeated them, took Sir Robert Welles and Sir Thomas Launde priſoners, and ordered them immediately to be beheaded. 1470. 13th March.

Edward, during theſe tranſactions, had ſo little jealouſy of the earl of Warwic or duke of Clarence, that he granted them commiſſions of array for levying forces againſt the rebels ‡: But theſe noblemen, ſo ſoon as they left the court, raiſed troops in their own name, iſſued declarations againſt the government, and complained of grievances, oppreſſions, and bad miniſters. The unexpected defeat of Welles diſconcerted all their meaſures; and they retired northwards into Lancaſhire, where they expected to be joined by lord Stanley, who had married the earl of Warwic's ſiſter. But as that nobleman refuſed all concurrence with them, and as lord Montague alſo remained quiet in Yorkſhire; they were obliged to diſſolve their army, and to fly into Devonſhire, where they embarked and made ſail towards Calais §. Warwic and Clarence baniſhed.

The deputy governor, whom Warwic had left at Calais, was one Vaucler, a Gaſcon, who, ſeeing the earl return in this miſerable condition, refuſed him admiſſion into the place; and would not ſo much as permit the dutcheſs of Cla-

* Fragm. E. IV. ad fin. Sprotti. † Hall, fol. 204. Fabian, fol. 218. Habington, p. 442. Holingſhed, p. 674. ‡ Rymer, vol. 11. p. 652.

§ The King offered by proclamation a reward of 1000 pounds, or 100 pounds a year in land, to any that would ſeize them. Whence we may learn that land was at that time ſold for about ten years purchaſe. See Rymer, vol. 2. p. 654.

rence

Chap. XXII. 1470. rence to land, tho' a few days before, ſhe had been delivered on ſhip board of a ſon, and was at that time extremely diſordered by ſickneſs. With difficulty, he would allow a few flaggons of wine to be carried to the ſhip for the uſe of the ladies: But as he was a man of ſagacity, and well acquainted with the revolutions, to which England was ſubject, he ſecretly apologized to Warwic for this appearance of infidelity, and repreſented it as proceeding entirely from zeal for his ſervice. He ſaid, that the place was ill ſupplied with proviſions; that he could not depend on the attachment of the garriſon; that the inhabitants, who lived by the Engliſh commerce, would certainly declare for the eſtabliſhed government; that the place was at preſent unable to reſiſt the power of England on the one hand, and that of the duke of Burgundy on the other; and that, by ſeeming to declare for Edward, he would acquire the confidence of that prince, and ſtill keep it in his power, when it ſhould become ſafe and prudent, to reſtore the fortreſs to its antient maſter *. It is uncertain, whether Warwic was ſatisfied with this apology, or ſuſpected a double infidelity in Vaucler; but he feigned to be entirely convinced by him; and having ſeized ſome Flemiſh veſſels which he found lying off Calais, he immediately made ſail towards France.

THE King of France, uneaſy at the cloſe conjunction between Edward and the duke of Burgundy, received with the greateſt demonſtrations of regard and friendſhip the unfortunate Warwic †, with whom he had formerly maintained a ſecret correſpondence, and whom he hoped ſtill to make his inſtrument in overturning the government of England, and re-eſtabliſhing the houſe of Lancaſter. No animoſity was ever greater than that which had long prevailed between that houſe and the earl of Warwic. His father had been executed by orders from Margaret: He himſelf had twice reduced Henry to captivity, had baniſhed the queen, had put to death all their moſt zealous partizans either in the field or on the ſcaffold, and had occaſioned innumerable ills to that unhappy family. For this reaſon, believing that ſuch inveterate rancour would never admit of any cordial reconciliation, he had not mentioned Henry's name, when he took arms againſt Edward; and he rather endeavoured to prevail by means of his own adherents, than revive a party, which he ſincerely hated. But his preſent diſtreſſes and the entreaties of Lewis, made him hearken to terms of accommodation; and Margaret being ſent for from Angers, where ſhe then reſided, an agreement was from common intereſt ſoon formed between them. It was ſtipulated, that Warwic ſhould adopt the cauſe of Henry, and endeavour to reſtore him to liberty and to re-eſtabliſh him on the throne; that the adminiſtration of the government, during the minority of young Edward, Henry's ſon, ſhould re-

* Comines, liv. 3. chap. 4. Hall, fol. 205. † Polyd. Virg. p. 519.

ſide conjointly in the earl of Warwic and duke of Clarence; that prince Edward ſhould marry the lady Anne, ſecond daughter of that nobleman; and that the crown, in caſe of the failure of male-iſſue in that prince, ſhould deſcend to the duke of Clarence, to the entire excluſion of King Edward and his poſterity. Never was confederacy on all ſides, leſs natural or more evidently the work of neceſſity: But Warwic hoped, that all former paſſions of the Lancaſtrians might be loſt in preſent political views; and that at worſt, the independant power of his family, and the affections of the people, would be able to give him ſecurity, and enable him to exact the full performance of all the conditions agreed on. The marriage of prince Edward with the lady Anne was immediately celebrated in France. Chap. XXII. 1470.

EDWARD reaſonably foreſaw, that it would be eaſy to diſſolve an alliance, compoſed of ſuch diſcordant parts. For this purpoſe, he ſent over a lady of great ſagacity and addreſs, who belonged to the train of the dutcheſs of Clarence, and who, under colour of attending her miſtreſs, was empowered to negotiate with the duke, and renew the connexions of that prince with his own family *. She repreſented to Clarence, that he had unwarily, to his own ruin, become the inſtrument of Warwic's vengeance, and had thrown himſelf entirely in the power of his moſt inveterate enemies; that the mortal injuries, which the one royal family had ſuffered from the other, were now paſt all forgiveneſs, and no idea of an imaginary union in intereſts could ever ſuffice to obliterate them; that even if the leaders were willing to forget paſt offences, the animoſity of their adherents would prevent a ſincere coalition of parties, and would, in ſpite of all temporary and verbal agreements, preſerve an eternal oppoſition of meaſures between them; and that a prince, who deſerted his own kindred, and joined the murderers of his father, left himſelf ſingle, without friends, without protection, and would not, when misfortunes inevitably fell upon him, be ſo much as entitled to any pity or regard from the reſt of mankind. Clarence was only one and twenty years of age, and ſeems to have poſſeſſed but a ſlender capacity; yet he could eaſily ſee the force of theſe reaſons; and on the promiſe of forgiveneſs and favour from his brother, he ſecretly engaged, on a favourable opportunity, to deſert the earl of Warwic, and abandon the Lancaſtrian party.

DURING this negotiation, Warwic was ſecretly carrying on a correſpondence of the ſame nature with his brother, the marqueſs of Montague, who was entirely truſted by Edward; and like motives produced a like reſolution in that nobleman. The marqueſs alſo, that he might render the projected blow the more

* Comines, liv. 3. chap. 5. Hall, fol. 207. Holingſhed, p. 675.

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deadly and incurable, resolved, on his side, to watch a favourable opportunity for committing *his* perfidy, and still to maintain the appearance of being a zealous adherent to the house of York.

After these mutual snares were thus carefully laid, the decision of the quarrel advanced apace. Lewis prepared a fleet to escort the earl of Warwic, and offered him a supply of men and money *. The duke of Burgundy, on the other hand, enraged at that nobleman for his seizure of the Flemish ships before Calais, and anxious to support the reigning family in England, with whom his own interests were now collected, fitted out a larger fleet, with which he guarded the Channel; and he incessantly warned his brother in law of the imminent perils, to which he was exposed. But Edward, tho' always brave and often active, had very little foresight or penetration: He was not sensible of his danger: He made no suitable preparations against the earl of Warwic †: He even said, that the duke might spare himself the trouble of guarding the seas, and that he wished for nothing more than to see Warwic set foot on English ground ‡. A vain confidence in his own prowess, joined to the immoderate love of pleasure, had made him incapable of all sound reason and reflection.

Septr. Warwic and Clarence return.

The event soon happened, of which Edward seemed so desirous. A storm dispersed the Flemish navy, and left the seas open to Warwic §. That nobleman seized the opportunity, and setting sail, quickly landed at Dartmouth, with the duke of Clarence, the earls of Oxford and Pembroke, and a small body of troops; while the King was in the north, engaged in suppressing an insurrection, which had been raised by the lord Fitz-Hugh, brother in law to Warwic. The scene, which ensues, seems more like the fiction of a poem or romance than an event in true history. The prodigious popularity of Warwic ‖, the zeal of the Lancastrian party, the spirit of discontent with which many were infected, and the general instability of the English nation, occasioned by the late frequent revolutions, drew such multitudes to his standard, that in a very few days his army amounted to sixty thousand men, and was continually encreasing. Edward hastened southwards to encounter him; and the two armies approached each other near Nottingham, where a decisive action was every moment expected. The rapidity of Warwic's progress had incapacitated the duke of Clarence from executing *his* plan of treachery; and the marquess of Montague had here the opportunity of striking the first blow. He communicated the design to his adherents, who promised him their concurrence: They took to arms in the night time, and hastened with loud acclamations to Edward's quarters: The King was alarmed at

* Comines, liv. 3. chap. 4. Hall, fol. 207. † Grafton, p. 687. ‡ Comines, liv. 3. chap. 5. Hall, fol. 208. § Comines, liv. 3. chap. 5. ‖ Hall, fol. 205.

the

the noiſe, and ſtarting from his bed, heard the cry of war, uſually employed by the Lancaſtrian party. Lord Haſtings, his chamberlain, informed him of the danger, and urged him to make his eſcape by ſpeedy flight from an army, where he had ſo many concealed enemies, and where few ſeemed to be zealouſly attached to his ſervice. He had juſt time to get on horſeback, and to hurry with a ſmall retinue to Lynne, in Norfolk, where he luckily found ſome ſhips ready, on board which he preſently embarked *. And after this manner, the earl of Warwic, in no longer ſpace than eleven days after his firſt landing, was left entire maſter of the kingdom. Chap. XXII. 1470. Edward IV. expelled.

But Edward's danger did not end with his embarkation. The Eaſterlings or Hanſe-Towns were then at war both with France and England; and ſome ſhips of theſe people, hovering on the Engliſh coaſt, eſpied the King's veſſels, and gave chace to them; nor was it without extreme difficulty, that he made his eſcape into the port of Alcmaer in Holland. He had fled from England with ſuch precipitation, that he had carried nothing of value along with him; and the only reward, which he could beſtow on the captain of the veſſel, that brought him over, was a robe, lined with ſables; promiſing him an ample recompence, if fortune ſhould ever become more propitious to him †.

It is not likely, that Edward could be very fond of preſenting himſelf in this lamentable condition before the duke of Burgundy; and that having ſo ſuddenly, after his mighty vaunts, loſt all footing in his own kingdom, he could be inſenſible to the ridicule, which muſt attend him in the eyes of that prince. The duke, on his part, was no leſs embarraſſed how he ſhould receive the dethroned monarch. As he had ever borne a greater affection to the houſe of Lancaſter than to that of York, nothing but political views had engaged him to contract an alliance with the latter family; and he foreſaw, that probably the revolution in England would now turn this alliance againſt him, and render the reigning family in that kingdom his implacable and jealous enemy. For this reaſon, when the firſt rumor of that event reached him, attended with the circumſtance of Edward's death, he ſeemed rather pleaſed with the cataſtrophe; and it was no agreeable diſappointment to find, that he muſt either undergo the burthen of ſupporting an exiled prince, or the diſhonour of abandoning ſo near a relation ‡. He began already to ſay, that his connexions were with the kingdom of England, not with the King; and that it was indifferent to him, whether the name of Edward or that of Henry was employed in the articles of treaty §. Theſe

* Comines, liv. 3. chap. 5. Hall, fol. 208.
† Comines, liv. 3. chap. 5.
‡ Comines, liv 3. chap. 5. Habington, p. 445.
§ Comines, liv. 3. chap. 6. Hall, fol. 211.

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sentiments were continually strengthened by the subsequent events. Vaucler, the deputy governor of Calais, tho' he had been confirmed in his command by Edward, and even received an annual pension from the duke of Burgundy on account of his fidelity to the crown *, no sooner saw his old master, Warwic, reinstated in authority, than he declared for him, and with great demonstrations of zeal and attachment, put the whole garrison in his livery †. And the intelligence, which the duke received every day from England, seemed to promise an entire and full settlement in the family of Lancaster.

Henry VI. restored.

IMMEDIATELY after Edward's flight had left the kingdom entirely at Warwic's disposal, that nobleman hastened to London; and taking Henry from his confinement in the Tower, into which he had been the chief cause of throwing him, he proclaimed him King with great solemnity. A parliament was summoned in the name of that prince to meet at Westminster; and as this assembly could pretend to no liberty amidst such enraged factions, governed by such an impetuous spirit as Warwic, their votes were entirely dictated by the ruling party ‡. The treaty with Margaret was here fully executed: Henry was recognized for lawful King; but his incapacity for government being avowed, the regency was entrusted to Warwic and Clarence till the majority of prince Edward; and in default of that prince's issue, Clarence was declared successor to the crown. The usual business also of reversals went on without opposition: Every statute, made, during the reign of Edward, was repealed; that prince was declared to be an usurper; he and his adherents were attainted; and in particular, Richard, duke of Gloucester, his younger brother: All the attainders of the Lancastrians, the dukes of Somerset and Exeter, the earls of Richmond, Pembroke, Oxford and Ormond, were reversed; and every one was restored, who had lost either honours or fortune, by his former adherence to the cause of Henry.

THE ruling party were more sparing in their executions, than was usual after any revolution during those violent times. The only victim of distinction was John Tibetot, earl of Worcester, constable of England. This accomplished person, born in an age and nation where the nobility valued themselves on ignorance as their privilege, and left learning to monks and schoolmasters, for whom indeed the spurious erudition that prevailed, was best fitted, had been struck with the first rays of true science, which began to penetrate from the south, and had been zealous, by his exhortations and example, to propagate the love of letters among his unpolished countrymen. It is pretended, that knowledge had not produced on this nobleman himself, the effect which so naturally attends it, of hu-

* Grafton, p. 683. † Comines, liv. 3. chap. 6. Hall, fol. 211.
‡ Grafton, p. 691. Fabian, fol. 219. Polyd. Virg. p. 521.

maniz-

manizing the temper, and softening the heart *; and that he had enraged the Lancastrians against him, by the severities which he exercised upon them, during the prevalence of his own party. He endeavoured to conceal himself after the flight of Edward; but was caught on the top of a tree in the forest of Weybridge, was conducted to London, tried before the earl of Oxford, condemned and executed. All the other considerable Yorkists either fled beyond sea, or took shelter in sanctuaries; where the ecclesiastical privileges offered them protection. In London alone, it is computed, that no less than 2000 persons saved themselves in this manner †; and among the rest, Edward's Queen, who was there delivered of a son, called by his father's name ‡. Chap. XXII. 1470.

Queen Margaret, the other rival Queen, had not yet appeared in England, but on receiving intelligence of Warwic's success, was preparing with prince Edward for her journey. All the banished Lancastrians flocked to her; and among the rest, the duke of Somerset, son to the duke beheaded after the battle of Hexham. This nobleman, who had long been regarded as head of the party, had fled into the Low Countries on the discomfiture of his friends; and as he concealed his name and quality, he had languished in the most extreme want and indigence. Philip de Comines tells us §, that he himself there saw him, as well as the duke of Exeter, in a condition no better than that of the meanest beggar; till being discovered by Philip duke of Burgundy, they had small pensions allowed them, and were living in silence and obscurity, when the success of their party called them from their retreat. But both Somerset and Margaret were detained by contrary winds, from reaching England ||, till a new revolution in that kingdom, no less sudden and surprizing than the former, threw them into greater misery than that from which they had just emerged.

Tho' the duke of Burgundy, by neglecting Edward, and paying court to the established government, had endeavoured to conciliate the friendship of the Lancastrians, he found that they had not succeeded to his wish; and the antient connexions between the King of France, and the earl of Warwic, still held him in great doubt and anxiety ⊥. This nobleman, too hastily regarding Charles as his determined enemy, had sent over to Calais a body of 4000 men, who committed inroads on the Low-countries *; and the duke of Burgundy saw himself in danger of being oppressed by the united arms of France and of England. He resolved therefore to grant some assistance to his brother-in-law; but in such a covert manner, as should give the least offence possible to the government of Eng-

* Hall, fol. 210. Stowe, p. 422. † Comines, liv. 3. chap. 7. ‡ Hall, fol. 210. Stowe, p. 423. Holingshed, p. 677. Grafton, p. 690. § Liv. 3. chap. 4. || Grafton, p. 692. Polyd. Virg. p. 522. ⊥ Hall, fol. 205. * Comines, liv. 3. chap. 6.

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land. He equipped four large veſſels, in the name of ſome private merchants, at Terveer in Zealand; and cauſing fourteen ſhips to be ſecretly hired of the Eaſterlings, he delivered this ſmall ſquadron to Edward, who, receiving alſo a ſum of money from the duke, immediately ſet ſail for England. No ſooner was Charles informed of his departure, than he iſſued a proclamation inhibiting all his ſubjects to give him countenance or aſſiſtance *; an artifice which could not blind the earl of Warwic, but which might ſerve as a decent pretence, if he was ſo diſpoſed, for maintaining friendſhip with the houſe of Burgundy.

EDWARD, impatient to take revenge of his enemies, and to recover his loſt authority, made an attempt to land with his forces, which exceeded not 2000 men, on the coaſt of Norfolk; but being there repulſed †, he ſailed northwards, and diſembarked at Ravenſpur in Yorkſhire. Finding, that the new magiſtrates, who had been placed in authority by the earl of Warwic, kept the people from joining him, he pretended, and even made oath, that he came not to challenge the crown, but only the inheritance of the houſe of York, which of right belonged to him, and that he did not intend to raiſe a civil war in the kingdom ‡. His partizans every moment flocked to his ſtandard: He was admitted into the city of York §: And he was ſoon in a ſituation, which gave him hopes of ſucceſs in all his claims and pretenſions. The marquis of Montague commanded in the northern counties; but from ſome myſterious reaſons, which, as well as many other important tranſactions in that age, no hiſtorian has cleared up, he totally neglected the beginnings of an inſurrection, which he ought to have eſteemed ſo formidable ||. Warwic aſſembled an army at Leiceſter, with an intention of meeting and of giving battle to the enemy; but Edward, by taking another road, paſſed him unmoleſted, and preſented himſelf before the gates of London. Had he here been refuſed admittance, he was totally ruined: But there were many cauſes, which inclined the citizens to favour him. His numerous friends, iſſuing forth from their ſanctuaries, were active in his cauſe; many rich merchants, who had formerly lent him money, ſaw no other chance for their payment but his reſtoration; the city-dames, who had been liberal of their favours to him, and who ſtill retained an affection for this young and gallant prince, ſwayed their huſbands and friends in his behalf ⊥; and above all, the archbiſhop of York, Warwic's brother, to whom the care of the city was committed, had ſecretly, from unknown reaſons, entered into a correſpondence with him, and he facilitated Edward's ad-

25th March. Edward IV. returns.

11th April.

* Comines, liv. 3. chap. 6. † Holingſhed, p. 679. ‡ Hall, fol. 214. Habington, p. 447. Holingſhed, p. 679. Grafton, p. 698. Fabian, fol. 219. § Polyd. Virg. p. 524. Leland's collect. vol. 2. p. 504. || Hall, fol. 215. Habington, p. 447. Holingſhed, p. 680. Polyd. Virg. p. 524. ⊥ Comines, liv. 3. chap. 7.

miſſion

miſſion into London. The moſt likely cauſe, which can be aſſigned for thoſe multiplied infidelities, even in the family itſelf of Nevil, is the ſpirit of faction, which, when it becomes inveterate, it is very difficult for any man entirely to ſhake off. Theſe perſons, who had long diſtinguiſhed themſelves in the York party, were unable to act with zeal and cordiality for the ſupport of the Lancaſtrians; and they were inclined, by every proſpect of favour or accommodation, offered them by Edward, to return to their antient connexions. However this may be, Edward's entrance into London, made him maſter not only of that rich and powerful city, but alſo of the perſon of Henry, who, deſtined to be the perpetual ſport of fortune, thus fell again into the hands of his enemies *.

It appears not, that Warwic, during his ſhort adminiſtration, which had continued only ſix months, had been guilty of any unpopular acts, or had any wiſe deſerved to forfeit that general favour, with which he had ſo lately overwhelmed Edward. But this prince, who was formerly the defendant, was now the aggreſſor; and having overcome the difficulties, which always attend the beginnings of an inſurrection, poſſeſſed many advantages above his enemy: His partizans were actuated by that zeal and courage, which the notion of an attack inſpires; his opponents were intimidated for a like reaſon; every one, who had been diſappointed in the hopes, which he had entertained from Warwic's elevation, either became a cool friend, or an open enemy to that nobleman; and each malecontent, from whatever cauſe, proved an acceſſion to Edward's army. The King, therefore, found himſelf in a condition to face the earl of Warwic, who, being reinforced by his ſon in-law, the duke of Clarence, and his brother the marquis of Montague, took poſt at Barnet, in the neighbourhood of London. The arrival of Queen Margaret was every day expected, who would have drawn together all the true Lancaſtrians, and have brought a mighty acceſſion to Warwic's forces: But this very conſideration proved a motive to the earl rather to hurry on a deciſive action, than to ſhare the victory with rivals and antient enemies, who, he foreſaw, would, in caſe of ſucceſs, claim the chief merit in the enterprize †. But while his jealouſy was all directed towards that ſide, he overlooked the dangerous infidelity of friends, who lay the neareſt to his boſom. His brother, Montague, who had lately temporized, ſeems now to have remained ſincerely attached to the intereſts of his family: But his ſon in law, tho' bound to him by every tye of honour and gratitude, tho' he ſhared the power of the regency, tho' he had been inveſted by Warwic in all the honours and patrimony of the houſe of York, reſolved to fulfil the ſecret engagements, which he had formerly taken with his brother, and to ſupport the intereſts of his own family: He deſerted to

* Grafton, p. 702. † Comines, l.v. 3 chap. 7.

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the King in the night-time, and carried over a body of 12000 men along with him *. Warwic was now too far advanced to retreat; and as he rejected with diſdain all terms of peace offered him by Edward and Clarence, he was obliged to hazard a general engagement. The battle was fought with great obſtinacy on both ſides: The two armies, in imitation of their leaders, exerted uncommon acts of valour: And the victory remained long undecided between them. But an accident threw at laſt the balance to the ſide of the Yorkiſts. Edward's cogniſance was a ſun; that of Warwic a ſtar with rays; and the miſtineſs of the morning rendering it difficult to diſtinguiſh them, John earl of Oxford, who fought on the ſide of the Lancaſtrians, was, by miſtake, attacked by his friends, and chaced off the field of battle †. Warwic, contrary to his more uſual practice, engaged that day on foot, reſolving to ſhow his army, that he meant to ſhare every fortune with them, and he was ſlain in the thickeſt of the engagement ‡: His brother underwent the ſame fate: And as Edward had iſſued orders not to give any quarter, a great and undiſtinguiſhed ſlaughter was made in the purſuit §. There fell about 1500 on the ſide of the conquerors.

14th April. Battle of Barnet, and death of Warwic.

THE ſame day that this deciſive battle was fought ‖, Queen Margaret and her ſon, now about eighteen years of age, and a very promiſing youth, arrived at Weymouth, ſupported by a ſmall body of French forces. When this princeſs received intelligence of her huſband's captivity, and of the defeat and death of the earl of Warwic, her courage, which had ſupported her under ſo many diſaſtrous events, here quite left her; and ſhe immediately foreſaw all the diſmal conſequences of this calamity. She took ſanctuary at firſt in the abbey of Beaulieu ⸸; but being encouraged by the appearance of Tudor, earl of Pembroke, and Courtney earl of Devonſhire, of the lords Wenloc and St. John, with other men of rank, who exhorted her ſtill to hope for ſucceſs, ſhe reſumed her former ſpirit, and determined to defend to the utmoſt the ruins of her fallen fortunes. She advanced thro' the counties of Devon, Somerſet, and Gloceſter, encreaſing her army on each day's march; but was at laſt overtaken by the rapid and expeditious Edward, at Teukeſbury, on the banks of the Severne. The Lancaſtrians were here totally defeated: The earl of Devonſhire and lord Wenloc, were killed in the field: The duke of Somerſet, and about twenty other perſons of diſtinction, having taken ſhelter in a church, were ſurrounded, dragged out, and immediately beheaded: About 3000 of their ſide fell in battle: And the army was entirely diſperſed.

Battle of Teukeſbury. 4th May.

* Grafton, p. 700. Comines, liv. 3. chap. 7. Leland's Collect. vol. 2. p. 505. † Habington, p. 449. ‡ Comines, liv. 3. chap. 7. § Hall, fol. 218. ‖ Leland's Collect. vol. 2. p. 505. ⸸ Hall, fol. 219. Habington, p. 451. Grafton, p. 706. Poly. Virg. p. 528.

QUEEN

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QUEEN Margaret and her ſon were taken priſoners, and brought to the King, who aſked the prince, after an inſulting manner, how he dared to invade his dominions? The young prince, more mindful of his high birth than of his preſent fortune, replied, that he came thither to claim his juſt inheritance. The ungenerous Edward, inſenſible to pity, ſtruck him on the face with his gauntlet; and the dukes of Clarence and Gloceſter, lord Haſtings and ſir Thomas Gray, taking the blow as a ſignal for farther violence, hurried the prince into the next apartment, and there diſpatched him with their daggers *. Margaret was thrown into the Tower: King Henry expired in that confinement a few days after the battle of Teukeſbury; but whether he died of a natural or violent death is uncertain. It is pretended, and was generally believed, that the duke of Gloceſter killed him with his own hands †: But the univerſal odium under which that prince's memory deſervedly labours, inclined perhaps the nation to aggravate his crimes without any ſufficient authority. It is certain, however, that Henry's death was very ſudden; and tho' he laboured before under an ill ſtate of health, this circumſtance, joined to the general manners of the age, gave a very natural ground of ſuſpicion; which was rather increaſed than diminiſhed, by the expoſing of his body to public view. That precaution ſerved only to recal many ſimilar inſtances in the Engliſh hiſtory, and to ſuggeſt the compariſon.

Murder of prince Edward. 21ſt May.

Death of Henry VI.

ALL the hopes of the Lancaſtrians ſeemed now to be utterly extinguiſhed. Every legitimate prince of that family was dead: Almoſt all the great leaders of the party had periſhed in battle or on the ſcaffold: Jaſper, earl of Pembroke, who was levying forces in Wales, diſperſed his army, when he received intelligence of the battle of Teukeſbury; and he fled into Brittany with his nephew, the young earl of Richmond ‡. The baſtard of Falconbrige, who had levied ſome forces, and advanced to London during Edward's abſence, was repulſed; his men deſerted him; he was taken priſoner and immediately executed §: And peace being now fully reſtored to the nation, a parliament was ſummoned, which ratified, as uſual, all the acts of the victor, and recognized his legal authority.

6th Octr.

BUT this prince, who had been ſo firm and active, and intrepid during the courſe of adverſity, was ſtill unable to reſiſt the allurements of a proſperous fortune; and he wholly devoted himſelf as before, to pleaſure and amuſement, after he became entirely maſter of his kingdom, and had no longer any enemy who could give him anxiety or alarm. He recovered, however, by this gay and inoffenſive courſe of life, and by his eaſy, familiar manners, that popularity, which

* Hall, fol. 221. Habington, p. 453. Holingſhed, p. 688. Polyd. Virg. p. 530. † Comines, Hall, fol. 223. Grafton, p. 703. ‡ Habington, p. 454. Polyd. Virg. p. 531. § Holingſhed, p. 689, 690, 693. Hiſt. Croyl. cont. p. 554.

Chap. XXII. 1472. it is natural to imagine, he had loſt by the repeated cruelties exerciſed upon his enemies; and the example alſo of his jovial feſtivity, ſerved to abate the former acrimony of faction among his ſubjects, and to reſtore the ſocial diſpoſition, which had been ſo long interrupted between the oppoſite parties. All men ſeemed to be fully ſatisfied with the preſent government; and the memory of paſt calamities ſerved only to impreſs the people more ſtrongly with a ſenſe of their allegiance, and with the reſolution of never incurring any more the hazard of renewing ſuch direful ſcenes.

But while the King was thus indulging himſelf in pleaſure, he was rouzed from the lethargy by a proſpect of foreign conqueſts, which, it is probable, his deſire of popularity, more than the ſpirit of ambition, had made him covet. Tho' he deemed himſelf very little beholden to the duke of Burgundy, for the reception which that prince had given him during his exile *, the political intereſts of their ſtates maintained ſtill a cloſe connexion between them; and they agreed to unite their arms in making a powerful invaſion on France. A league was formed, in which Edward ſtipulated to paſs the ſeas with an army, exceeding 10,000 men, and to invade the French territories: Charles promiſed to join him with all his forces: The King was to challenge the crown of France, and to obtain at leaſt the provinces of Normandy and Guienne: The duke was to acquire Champaigne and ſome other territories, and to free all his dominions from the burthen of homage to the crown of France: And neither party was to make peace without the conſent of the other †. They were the more encouraged to hope for ſucceſs from this league, as the count de St. Pol, conſtable of France, who was maſter of St. Quintin, and ſome towns on the Somme, had ſecretly promiſed them his aſſiſtance; and there were alſo hopes of engaging the duke of Brittany to enter into the confederacy.

1474. The proſpect of a French war was always a ſure means of making the parliament open their purſes, as far as the habits of that age would permit. They voted the King a tenth of rents, or two ſhillings in the pound; which muſt have been very inaccurately levied, ſince it produced only 31,460 pounds; and they added to this ſupply a whole fifteenth, and three quarters of another ‡: But as the King deemed theſe ſums ſtill unequal to the undertaking, he attempted to levy money by the way of *benevolence*; a ſort of exaction, which, except during the reign of Henry III. had ſcarce ever been practiced in former times, and which, tho' the conſent of the parties was pretended to be gained, could not be eſteemed

* Comines, liv. 3. chap. 7. † Rymer, vol. 11. p. 806, 807, 808, &c. ‡ Cotton, p. 696, 700. Hiſt. Croyl. cont. 558.

entirely voluntary *. The clauſes, annexed to the parliamentary grant, ſhow ſufficiently the ſpirit of the nation in this reſpect. The money levied by the fifteenth was not to be put into the King's hands, but to be kept in religious houſes; and if the expedition into France did not take place, it was immediately to be refunded to the people. After theſe grants, the parliament was diſſolved, which had ſat near two years and a half, and had undergone ſeveral prorogations; a practice not very uſual at that time in England. Chap. XXII. 1474.

THE King paſſed over to Calais with an army of 1500 men at arms, and 15000 archers; attended with all the chief nobility of England, who, prognoſticating future ſucceſſes from the paſt, were eager to appear in this great theatre of honour †. But all their ſanguine hopes were damped, when they found, on entering the French territories, that neither the conſtable opened his gates to them, nor did the duke of Burgundy bring them the ſmalleſt aſſiſtance. That prince, tranſported by his ardent temper, had carried all his armies to a great diſtance, and had employed them in wars on the frontiers of Germany, and againſt the duke of Lorrain; and tho' he came in perſon to Edward, and endeavoured to apologize for this breach of treaty, there was no proſpect that they would be able this campaign to make a conjunction with the Engliſh. This circumſtance gave great diſguſt to the King, and inclined him to hearken to thoſe advances, which Lewis continually made him for an accommodation. 1475. Invaſion of France.

THAT monarch, more ſwayed by political views than by the point of honour, deemed no ſubmiſſions too mean, which could free him from enemies, who had proved ſo formidable to his predeceſſors, and who, united to ſo many other enemies, might ſtill ſhake the well eſtabliſhed government of France. It appears from Comines, that diſcipline was, at this time, very imperfect among the Engliſh; and that their civil wars, tho' long continued, yet, being always decided by haſty battles, had ſtill left them ignorant of the improvements, which the military art was beginning to receive upon the continent ‡. But as Lewis was ſenſible, that the warlike genius of the people would ſoon render them excellent ſoldiers, he was far from deſpiſing them for their preſent want of experience; and he employed all his art to detach them from their alliance with Burgundy. When Edward ſent a herald to claim the crown of France, and to carry him a defiance in caſe of refuſal; ſo far from anſwering to this bravado in like haughty terms, he replied with great temper, and even made the herald a conſiderable preſent §: He took

* Hall, fol. 226. Habington, p. 461. Grafton, p. 719. Fabian, fol. 221.

† Comines, liv. 4. chap. 5. This author ſays, (chap. 11.) that the King artfully brought over ſome of the richeſt of his ſubjects, who, he knew, would be ſoon tired of the war, and would promote all propoſals of peace, which he foreſaw, would ſoon become neceſſary.

‡ Comines, liv. 4. chap. 5. § Comines, liv. 4. chap. 5. Hall, fol. 227.

Chap XXII. 1475. afterwards an opportunity of ſending a herald to the Engliſh camp; and giving him directions to apply to the lords Stanley and Howard, who, he heard, were 29th Auguſt. friends to peace, he deſired the good offices of theſe noblemen in promoting an accommodation with their maſter *. As Edward was now fallen into like diſpoſitions, a truce was ſoon concluded on terms more advantageous than honourable to Lewis. He ſtipulated to pay Edward immediately 75,000 crowns, on condition that he ſhould withdraw his army from France, and promiſed to pay him 50,000 crowns a year during their joint lives: It was added, that the Dauphin, when of age, ſhould marry Edward's eldeſt daughter †. In order to ratify this treaty, the two monarchs agreed to have a perſonal interview; and for this purpoſe, ſuitable preparations were made at Pecquigni near Amiens: A cloſe rail was drawn acroſs a bridge in that place, with no larger intervals than would allow the arm to paſs; a precaution which was uſed to prevent a like accident with that which happened to John duke of Burgundy in his conference with the Dauphin at Montereau. Edward and Lewis came to the oppoſite ſides; conferred privately together; and having confirmed their friendſhip, and interchanged many mutual civilities, they ſoon after parted ‡.

Peace of Pecquigni.

Lewis was anxious not only to gain the King's friendſhip; but alſo that of the nation, and of all the conſiderable perſons in the Engliſh court. He beſtowed penſions, to the amount of 16,000 crowns a year, on ſeveral of the King's favourites; on lord Haſtings two thouſand crowns; on lord Howard and others in proportion; and theſe great miniſters were not aſhamed thus to receive wages from a foreign prince §. As the two armies, after the concluſion of the truce, remained ſome time in the neighbourhood of each other, the Engliſh were not only admitted freely into Amiens, where Lewis reſided, but had alſo all their charges defrayed, and had wine and victuals furniſhed them in every inn, without any payments being demanded. They flocked thither in ſuch multitudes, that once above nine thouſand of them were in the town, and they might have made themſelves maſters of the King's perſon; but Lewis, concluding from their careleſs and diſſolute manner of living, that they had no bad intentions, was careful not to betray the leaſt ſigns of fear or jealouſy. And when Edward, informed of this diſorder, deſired him to ſhut the gates againſt them; he replied, that he would never agree to exclude the Engliſh from the place where he reſided; but Edward, if he pleaſed, might recall them, and place his own officers at the gates of Amiens to prevent their returning ‖.

* Comines, liv. 4. chap. 7. † Rymer, vol. 12. p. 17. ‡ Comines, liv. 4. chap. 9.
§ Hall, fol. 235. ‖ Comines, liv. 4. chap. 9. Hall, fol. 233.

Lewis's

Chap. XXII. 1475.

LEWIS's desire of confirming a mutual amity with England, engaged him even to make imprudent advances, which cost him afterwards some pains to evade. In the conference at Pecquigni, he had said to Edward, that he wished to have a visit from him at Paris; that he would there endeavour to amuse him with the ladies; and that, in case any offences were then committed, he would assign him the cardinal of Bourbon for confessor, who, from fellow-feeling, would not be over and above severe in the penances, which he would injoin. This hint made deeper impressions than Lewis intended. Lord Howard, who accompanied him back to Amiens, told him, in confidence, that, if he was so disposed, it would not be impossible to persuade Edward to take a journey with him to Paris, where they might make merry together. Lewis pretended at first not to hear this offer; but on Howard's repeating it, he expressed his concern, that his wars with the duke of Burgundy would not permit him to attend his royal guest, and do him the honours he intended. "Edward," said he privately to Comines, "is a very handsome and a very amorous prince: Some lady at Paris may like him as "well as he shall do her; and may invite him to return in another manner. It "is better that the sea should be between us." *

THIS treaty did very little honour to either of these monarchs: It discovered the imprudence of Edward, who had taken his measures so ill with his allies, as to be obliged, after such expensive preparations, to return without making any acquisitions, equivalent to them: It showed the want of dignity in Lewis, who, rather than run the hazard of a battle, agreed to subject his kingdom to a tribute, and thus acknowledge the superiority of a neighbouring prince, possessed of much less power and territory than himself. But as Lewis made interest the sole test of honour, he thought, that all the advantages of the treaty were on his side, and that he had over-reached Edward by sending him out of France on such easy terms. For this reason, he was very solicitous to conceal his triumph; and he strictly enjoined his courtiers never to show the English the least sign of mockery or ridicule against them. But he did not himself very carefully observe so prudent a rule: He could not forbear, one day, in the joy of his heart, throwing out some raillery on the easy simplicity of Edward and his council: When he perceived, that he was overheard by a Gascon, who had settled in England. He was immediately sensible of the blunder; sent a message to the gentleman; and offered him such advantages in his own country, as engaged him to remain in France. *It is but just*, said he, *that I pay the penalty of my talkativeness* †.

THE most honourable part of Lewis's treaty with Edward was the stipulation for the liberty of queen Margaret, who, tho' after the death of her husband and

* Comines, liv. 4. chap. 10. Habington, p. 469.

† Comines, liv. 3. chap. 10.

son,

Chap. XXII. 1475. ſon, ſhe could no longer be formidable to the government, was ſtill detained in cuſtody by Edward. Lewis paid fifty thouſand crowns for her ranſom; and that princeſs, who had been ſo active in the ſtage of the world, and who had experienced ſuch a variety of fortune, paſſed the reſt of her days in tranquillity and privacy, till the year 1482, when ſhe died: An admirable princeſs, but more illuſtrious by her undaunted ſpirit in adverſity, than by her moderation in proſperity. She ſeems neither to have enjoyed the virtues, nor been ſubject to the weakneſſes of her ſex; and was as much tainted with the ferocity, as endowed with the courage, of that barbarous age, in which ſhe lived.

THO' Edward had ſo little reaſon to be ſatisfied with the conduct of the duke of Burgundy, he reſerved to that prince a power of acceding to the treaty of Amiens: But Charles, when the offer was made him, haughtily replied, that he was able to ſupport himſelf without the aſſiſtance of England, and that he would make no peace with Lewis, till three months after Edward's return into his own country. This prince poſſeſſed all the ambition and courage of a conqueror; but being defective in policy and prudence, qualities no leſs eſſential, he was unfortunate in all his enterprizes; and periſhed at laſt in battle againſt the Swiſs *; a people, whom he deſpiſed, and who, tho' brave and free, had hitherto been in a manner overlooked in the general ſyſtem of Europe. This event, which hap-
1477. pened in the year 1477, produced a great alteration in the views of all the princes, and was attended with conſequences which were felt for many generations. Charles left only one daughter, Mary, by his firſt wife; and this princeſs being heir of his opulent and extenſive dominions, was courted by all the potentates of Chriſtendom, who contended with each other for the poſſeſſion of ſo rich a prize. Lewis, the head of her family, might, by a proper application, have obtained this match for the Dauphin, and have thereby united to the crown of France all the provinces of the Low Countries, together with Burgundy, Artois, and Piccardy; which would at once have rendered his kingdom an overmatch for all his neighbours. But a man wholly intereſted is as rare as one entirely endowed with the oppoſite virtue; and Lewis, tho' impregnable to all the ſentiments of generoſity and friendſhip, was, on this occaſion, carried from the road of true policy by the paſſions of animoſity and revenge. He had imbibed ſo deep a hatred of the houſe of Burgundy, that he choſe rather to ſubdue the princeſs by force of arms, than unite her to his family by marriage: He conquered the dutchy of Burgundy and that part of Picardy, which had been ceded to Philip the Good by the treaty of Arras: But he forced the ſtates of the Netherlands to beſtow their ſovereign in marriage on Maximilian of Auſtria, ſon to the emperor,

* Comines, liv. 5. chap. 8.

Frede-

Frederic, from whom they looked for protection in their preſent diſtreſſes: And by theſe means, France loſt the opportunity, which ſhe never could recover, of making that important acquiſition of power and territory. Chap. XXII. 1477.

DURING this intereſting criſis, Edward was no leſs defective in policy, and was no leſs actuated by private paſſions, unworthy of a ſovereign and a ſtateſman. Jealouſy of his brother, Clarence, had cauſed him to neglect the advances which were made of marrying that prince, now a widower, to the heireſs of Burgundy *; and he ſent her propoſals of eſpouſing Anthony earl of Rivers, brother to his queen, who ſtill retained an entire aſcendant over him. But the match was rejected with diſdain †; and Edward reſenting this treatment of his brother in law, permitted Lewis to proceed without interruption in his conqueſts over that defenceleſs ally. Any pretence ſufficed him for giving himſelf up entirely to indolence and pleaſure, which were now become his ruling paſſions. The only object, which divided his attention, was the improving the revenues of the crown, which had been extremely dilapidated by the neceſſities or negligence of his predeceſſors; and ſome of his expedients for that purpoſe, tho' unknown to us, were deemed, during the time, oppreſſive to the people ‡. The detail of private wrongs naturally eſcapes the notice of hiſtory; but an act of tyranny, of which Edward was guilty in his own family, has been taken notice of by all hiſtorians, and has met with very general and deſerved cenſure.

Trial and execution of the duke of Clarence.

THE duke of Clarence, by all his ſervices in deſerting Warwic, had never been able to recover the King's friendſhip, which he had forfeited by his former confederacy with that nobleman. He was ſtill regarded at court as a man of a dangerous and a fickle character; and the imprudent openneſs and violence of his temper, tho' it rendered him much leſs dangerous, tended extremely to multiply his enemies, and to enrage them againſt him. Among theſe, he had had the misfortune to give diſpleaſure to the queen herſelf, as well as to his brother, the duke of Gloceſter, a prince of the deepeſt policy, of the moſt unrelenting ambition, and the leaſt ſcrupulous in the means which he employed for the attainment of his pernicious purpoſes. A combination between theſe potent adverſaries being ſecretly formed againſt Clarence, it was determined to begin with attacking his friends; in hopes, that, if he patiently ſuffered this injury, his puſillanimity would diſhonour him in the eyes of the public; if he made reſiſtance and expreſſed reſentment, his paſſion would betray him into meaſures, which might give them advantages againſt him. The King, hunting one day in the park of Thomas Burdet of Arrow, in Warwickſhire, had killed a white buck,

* Polyd. Virg. Hall, fol. 240. Holingſhed, p. 703. Habington, p. 474. Graſton, p. 742.
† Hall, fol. 240. ‡ Hall, fol. 241. Hiſt. Croyl. cont. p. 559.

which

Chap. XXII. 1477. which was a great favourite of the owner; and Burdet, vext at the loſs, broke into a paſſion, and wiſhed the horns of the deer in the belly of the perſon who had adviſed the King to commit that inſult upon him. This natural expreſſion of reſentment, which would have been overlooked or forgotten, had it come from any other perſon, was rendered criminal and capital in that gentleman, by the friendſhip in which he had the misfortune to live with the duke of Clarence: He was tried for his life; the judges and jury were found ſervile enough to condemn him; and he was publickly beheaded at Tyburn for this pretended offence *. About the ſame time, one John Stacey, an eccleſiaſtic, much connected with the duke, as well as with Burdet, was expoſed to a like iniquitous and barbarous perſecution. This perſon, being more learned in mathematics and aſtronomy than was uſual in that age, lay under the reproach of necromancy with the ignorant vulgar; and the tyrannical court laid hold of this popular rumor to effect his deſtruction. He was tried in a court of juſtice for that imaginary crime; many of the greateſt peers countenanced the proſecution by their preſence; he was condemned, put to the torture, and executed †.

THE duke of Clarence was alarmed, when he found theſe acts of tyranny exerciſed on all around him: He reflected on the fate of the good duke of Glocester in the laſt reign, who, after ſeeing the moſt infamous pretences employed for the deſtruction of his neareſt connections, at laſt fell himſelf a victim to the vengeance of his enemies. But Clarence, inſtead of ſecuring his own life againſt the preſent danger, by ſilence and reſerve, was open and loud in juſtifying the innocence of his friends, and in exclaiming againſt the iniquity of their perſecutors. The King, highly offended with his liberty, or uſing that pretence againſt him, committed him to the Tower ‡, ſummoned a parliament, and tried him for his life before the houſe of peers, the ſupreme tribunal of the nation.

1478. 16th Jan.

THE duke was accuſed of arraigning public juſtice, by maintaining the innocence of men, who had been condemned in courts of judicature, and of inveighing againſt the iniquity of the King, who had given orders for their proſecution §. Many raſh expreſſions were imputed to him, and ſome too reflecting on his brother's legitimacy; but he was not accuſed of any overt act of treaſon; and even the truth of theſe ſpeeches may be doubted, ſince the liberty of judgment was taken from the court, by the King's appearing perſonally as his brother's accuſer ‖, and pleading the cauſe againſt him. But a ſentence of condemnation, even when this extraordinary circumſtance had not place, was a neceſſary conſe-

* Habington, p. 475. Holingſhed, p. 703. Sir T. More in Kennet, p. 498.
† Hiſt. Croyl. cont. p. 561. ‡ Hiſt. Croyl cont. p. 562. § Stowe, p. 430.
‖ Hiſt. Croyl. cont. p. 562.

quence,

quence, in those times, of any prosecution by the court or the prevailing party; and the duke of Clarence was accordingly pronounced guilty by the peers. The house of commons were no less slavish and unjust: They both petitioned for the execution of the duke, and afterwards passed a bill of attainder against him *. The measures of the parliament, during that age, furnish us with examples of a strange contrast of freedom and servility: They scruple to grant, and sometimes refuse to the King the smallest supplies, the most necessary for the support of government, even the most necessary for the maintenance of wars, for which the nation, as well as the parliament itself, expressed a great fondness: But they never scruple to concur in the most flagrant act of injustice or tyranny, which falls on any individual, however distinguished by birth or merit. These maxims, so ungenerous, so opposite to all the principles of good government, so contrary to the practice of present parliaments, are very remarkable in all the transactions of the English history for more than a century after the period, in which we are now engaged. Chap. XXII. 1477.

The only favour, which the King granted his brother after his condemnation, was to leave him the choice of his death; and he was privately drowned in a But of Malmesey in the Tower: A whimsical choice, which implies that he had an extraordinary passion for that liquor. The duke left two children, by the eldest daughter of the earl of Warwic, a son created an earl by his grandfather's title; and a daughter, afterwards countess of Salisbury. Both this prince and princess were also unfortunate in their end, and died violent deaths; a fate which, for many years, attended almost all the descendants of the royal blood in England. There prevails a report, that a chief source of the violent prosecution of the duke of Clarence, whose name was George, was a current prophecy, that the King's sons should be murdered by one, the first letter of whose name was G. † It is not impossible, that in those ignorant times, such a silly reason might have influence: But it is more probable, that the whole story is the invention of a subsequent age, and founded on the murder of these children by the duke of Glocester. Comines remarks, that at that time, the English were never without some superstitious prophecy or other, by which they accounted for every event. 18th Feb.

All the glories of Edward's reign terminated with the civil wars; where his laurels too were extremely sullied with blood, violence and cruelty. His spirit seems afterwards to be sunk in indolence and pleasure, or his measures were frustrated by imprudence and the want of foresight. There was no object of which he was fonder than to have all his daughters settled by splendid marriages, tho'

* Stow, p. 430. Hist. Croyl. cont. p. 562. † Hall, fol. 239. Holingshed, p. 703. Grafton, p. 741. Polyd. Virg. p. 537. Sir Thom. More in Kennet, p. 497.

Chap. XXII. 1477. most of these princesses were yet in their infancy, and tho' the completion of his views, it was obvious, must depend on numberless accidents, which were impossible to be foreseen or prevented. His eldest daughter, Elizabeth, was contracted to the Dauphin; his second, Cicely, to the eldest son of James III. King of Scotland; his third, Anne, to Philip, the eldest son of Maximilian and the dutchess of Burgundy; his fourth, Catharine, to John, son and heir to Ferdinand, King of Arragon, and Isabella, Queen of Castile *. None of these projected marriages took place; and the King himself saw in his life-time the rupture of the first, that with the Dauphin, for which he had always discovered a peculiar fondness. Lewis, who paid no regard to treaties or engagements, found his advantage in contracting the Dauphin to the princess Margaret, the daughter of Maximilian; and the King, notwithstanding his indolence, prepared himself to
1482. revenge this indignity. The French monarch, eminent for prudence, as well as falsehood, endeavoured to guard against the blow; and by a proper distribution of presents in the court of Scotland, he excited James to make war upon England. This weak prince, who lived on bad terms with his own nobility, and whose force was very unequal to the enterprize, levied an army; but when they were preparing to enter England, the barons, conspiring against his favourites, put them to death without trial; and the army presently dispersed. The duke of Gloucester, attended by the duke of Albany, James's brother, who had been banished his country, entered Scotland at the head of an army, took Berwic, and obliged the Scots to accept of a peace, by which they resigned that fortress to Edward. This success emboldened the King to think more seriously of a French war; but while he was making preparations for that enterprize, he was
9th April. Death and character of Edward IV. seized with a distemper, of which he expired in the forty second year of his age, and the twenty third of his reign: A prince more splendid and showy, than either prudent or virtuous; brave, tho' cruel; addicted to pleasure, tho' capable of activity in great emergencies; and less fitted to prevent ills by wise precautions, than to remedy them, after they took place by his vigour and enterprize. Besides five daughters, this King left two sons; Edward, prince of Wales, his successor, then in his thirteenth year, and Richard, duke of York, in his seventh.

* Rymer, vol. 2. p. 110.

CHAP.

CHAP. XXIII.

EDWARD V. and RICHARD III.

Edward V.——*State of the court*——*The earl of Rivers arreſted*——*Duke of Gloceſter protector*——*Execution of lord Haſtings*——*The protector aims at the crown*——*Aſſumes the crown*——*Murder of Edward* V. *and of the duke of York*——*Richard* III.——*Duke of Buckingham diſcontented*——*The earl of Richmond*——*Buckingham executed*——*Invaſion by the earl of Richmond*——*Battle of Boſworth*——*Death and character of Richard* III.

EDWARD V.

Chap. XXIII. 1483. State of the court.

DURING the latter years of Edward IV. the nation, having, in a great meaſure, forgot the bloody feuds between the two Roſes, and acquieſcing peaceably in the eſtabliſhed government, was only agitated by ſome court-intrigues, which, being reſtrained by the authority of the King, ſeemed no wiſe to endanger the public tranquillity. Theſe intrigues aroſe from the perpetual rivalſhip between two parties; the one conſiſting of the Queen and her relations, particularly the earl of Rivers, her brother, and the marquiſs of Dorſet, her ſon; the other compoſed of the antient nobility, who envied the ſudden growth and unlimited credit of that aſpiring family *. At the head of this latter party was the duke of Buckingham, a man of very noble birth, of ample poſſeſſions, of great alliances, of ſhining parts; who, tho' he had married the Queen's ſiſter, was too haughty to act in ſubſerviency to her inclinations, and aimed rather at maintaining an independant influence and authority. Lord Haſtings, the chamberlain, was another leader of the ſame party; and as this nobleman had, by his bravery and enterprize, as well as by his approved fidelity, acquired the confidence and favour of his maſter, he had been able, tho' with ſome difficulty, to ſupport himſelf againſt the credit of the Queen. The lords Howard and Stanley maintained a connexion with theſe two noblemen, and brought a conſiderable acceſſion of influence and credit to their party. All the other barons, who had no

* Sir T. More, p. 481.

Chap. XXIII. 1483. particular dependance on the Queen, adhered to the ſame intereſt; and the people in general, from their natural envy againſt the prevailing power, bore great favour to the cauſe of theſe noblemen.

But Edward knew, that, tho' he himſelf had been able to overawe thoſe rival factions, many diſorders might reſult from their conteſts during the minority of his ſon; and he therefore took care, in his laſt illneſs, to ſummon together ſeveral of the leaders on both ſides, and, by compoſing their antient quarrels, to provide, as far as poſſible, for the future tranquillity of the government. After expreſſing his intentions, that his brother, the duke of Gloceſter, then abſent in the north, ſhould be entruſted with the regency, he recommended to them peace and unanimity during the tender years of his ſon; repreſented to them the dangers which muſt attend the continuance of their animoſities; and engaged them to embrace each other with all the ſymptoms of the moſt cordial reconciliation. But this temporary or feigned agreement laſted no longer than the King's life: He had no ſooner expired, than the jealouſies of the parties broke out afreſh: And each of them applied, by ſeparate meſſages, to the duke of Gloceſter, and endeavoured to acquire his favour and friendſhip.

This prince, during his brother's lifetime, had endeavoured to live on good terms with both parties; and his high birth, his extenſive abilities, and his great ſervices, had enabled him to ſupport himſelf without falling into a dependance on either. But the new ſituation of affairs, when the ſupreme power was devolved upon him, immediately changed all his meaſures; and he ſecretly determined to preſerve no longer that neutrality which he had hitherto maintained. His exorbitant ambition, unreſtrained by any principle either of juſtice or humanity, made him carry his views to the poſſeſſion of the crown itſelf; and as this object could not be attained without the ruin of the Queen and her family, he fell, without heſitation, into concert with the oppoſite party. But being ſenſible, that the moſt profound diſſimulation was requiſite to the effecting his criminal purpoſes, he redoubled his profeſſions of zeal and attachment to that princeſs; and he gained ſuch credit with her, as to influence her conduct in a point, which, as it was of the utmoſt importance, was violently diſputed between the oppoſite factions.

The King, at the time of his father's death, reſided in the caſtle of Ludlow, on the borders of Wales; whither he had been ſent, that the influence of his preſence might overawe the Welſh, and reſtore the tranquillity of that country, which had been diſturbed by ſome late commotions. His perſon was committed to the care of his uncle, the earl of Rivers, the moſt accompliſhed nobleman in England,

England, who, having united an uncommon taſte for literature* to great abilities in buſineſs, and valour in the field, was intitled, by his talents, ſtill more than by nearneſs of blood, to direct the education of the young monarch. The Queen, anxious to preſerve that aſcendant over her ſon, which ſhe had ſo long maintained over her huſband, wrote to the earl of Rivers, that he ſhould levy a body of forces, in order to eſcort the King to London, to protect him during his coronation, and to keep him from falling into the hands of their enemies. The oppoſite faction, ſenſible that Edward was now of an age when great advantages could be made of his name and countenance, and was approaching to the age when he would be legally intitled to exert in perſon his authority, foreſaw, that the tendency of this meaſure was to perpetuate their ſubjection under their rivals; and they vehemently oppoſed a reſolution, which they repreſented as the ſignal for renewing a civil war in the kingdom. Lord Haſtings threatened inſtantly to depart to his government of Calais †: The other nobles ſeemed reſolute to oppoſe force by force: And as the duke of Gloceſter, on pretence of pacifying the quarrel, had declared againſt all appearance of an armed power, which might be dangerous, and was no wiſe neceſſary, the Queen, truſting to the ſincerity of his friendſhip, and overawed by ſo violent an oppoſition, revoked her orders to her brother, and deſired him to bring up no greater retinue than would be neceſſary to ſupport the ſtate and dignity of the young ſovereign ‡. Chap. XXIII. 1483.

The duke of Gloceſter, mean while, ſet out from York, attended by a numerous train of the northern gentry. When he reached Northampton, he was joined by the duke of Buckingham, who was alſo attended by a ſplendid retinue; and as he heard, that the King was every hour expected on that road, he reſolved to await his arrival, under colour of conducting him thence in perſon to London. The earl of Rivers, apprehenſive that the place would be too narrow to contain ſo many attendants, ſent his pupil forward by another road to Stony-Stratford; and came himſelf to Northampton, in order to apologize for this meaſure, and to pay his reſpects to the duke of Gloceſter. He was received with the greateſt appearance of cordiality: He paſſed the evening in an amicable and friendly manner with Gloceſter and Buckingham: He proceeded on the road with them next day to join the King: But as he was entering Stony-Stratford, he was arreſted by orders of the duke of Gloceſter ‖: Sir Richard Gray, one of the Queen's ſons, was at the ſame time put under a guard, together with

The earl of Rivers arreſted. 1ſt of May.

* This nobleman firſt introduced the noble art of Printing into England. Caxton was recommended by him to the patronage of Edward IV. See Catalogue of royal and noble authors.

† Hiſt. Croyl. cont. p. 564, 565. ‡ Sir T. More, p. 483. ‖ Hiſt. Croyl. cont. p. 564, 565.

Sir

Chap. XXIII. 1483. Sir Thomas Vaughan, who poſſeſſed a conſiderable office in the King's houſehold; and all the priſoners were inſtantly conducted to Pomfret. Gloceſter approached the young prince with the greateſt demonſtrations of reſpect; and endeavoured to ſatisfy him with regard to the violence committed on his uncle and brother: But Edward, much attached to theſe near relations, by whom he had been tenderly educated, was not ſuch a maſter of diſſimulation as to conceal his diſpleaſure *.

THE people, however, were extremely rejoiced at this revolution; and the 4th of May. duke was received in London with the loudeſt acclamations: But the Queen no ſooner received intelligence of her brother's impriſonment, than ſhe foreſaw, that Gloceſter's violence would not ſtop there, and that her own ruin, if not that of all her children, was finally determined. She therefore fled into the ſanctuary of Weſtminſter, attended by the marquiſs of Dorſet; and ſhe carried thither the five princeſſes, together with the duke of York †. She truſted, that the eccleſiaſtical privileges, which had formerly, during the total ruin of her huſband and family, given her protection againſt the fury of the Lancaſtrian faction, would not now be violated by her brother-in-law, while her ſon was ſeated on the throne; and ſhe reſolved to await there the return of better fortune. But Gloceſter, anxious to have the duke of York in his power, propoſed to take him by force from the ſanctuary; and he repreſented to the privy council, both the indignity put upon the government by the Queen's ill-grounded apprehenſions, and the neceſſity of the young prince's appearance at the enſuing coronation of his brother. It was farther alledged, that eccleſiaſtical privileges were originally calculated only to give protection to unhappy men, perſecuted for their debts or crimes; and were entirely uſeleſs to a perſon, who, by reaſon of his tender age, could lie under the burden of neither, and who, for the ſame reaſon, was utterly incapable of claiming ſecurity from any ſanctuary. But the two archbiſhops, cardinal Bourchier, the primate, and Rotheram archbiſhop of York, proteſting againſt the ſacrilege of this meaſure; it was agreed, that they ſhould firſt endeavour to bring the Queen to compliance by perſuaſion, before any violence ſhould be employed againſt her. Theſe prelates were known to be perſons of integrity and honour; and being themſelves entirely perſuaded of the ſincerity of the duke's intentions, they employed every argument, accompanied with zealous entreaties, exhortations, and aſſurances, to bring her over to the ſame opinion. She continued long obſtinate, and inſiſted, that the duke of York, by living in the ſanctuary, was not only ſecure himſelf, but alſo gave ſecurity to the King, whoſe life no one would dare to attempt, while his ſucceſſor and avenger remained in

* Sir T. More, p 484.

† Hiſt. Croyl. cont. p. 565.

safety. But finding, that no one supported her in her sentiments, and that force, in case of refusal, was threatened by the council, she at last complied, and produced her son to the two prelates. She was here on a sudden struck with a kind of presage of his future fate: She tenderly embraced him; she bedewed him with her tears; and bidding him an eternal adieu, delivered him, with many expressions of regret and reluctance, into their custody *. Chap. XXIII. 1483.

The duke of Gloucester, being the nearest male of the royal family capable of exercising the government, seemed fully intitled, by the customs of the realm, to the office of protector; and the council, not waiting for the consent of parliament, installed him, without scruple, in that high dignity †. The general prejudice entertained by the nobility against the Queen and her kindred, occasioned this precipitation and irregularity; and no one foresaw any danger to the succession, much less to the life of the infant princes, from a measure so obvious and so natural. Besides that the duke had hitherto been able to cover, by the most profound dissimulation, his fierce and savage nature; the numerous issue of Edward, together with the two children of Clarence, seemed to be an eternal obstacle to his ambition; and it appeared equally impracticable for him to dispatch so many persons possessed of a preferable title, and imprudent to exclude them. But a man, who had abandoned all principles of honour and humanity, was soon carried by his predominant passion beyond the reach of fear or precaution; and Gloucester, having so far succeeded in his views, no longer hesitated in removing the farther obstructions which lay between him and the crown. The death of the earl of Rivers, and of the other prisoners detained in Pomfret, was first determined; and he easily obtained the consent of the duke of Buckingham, as well as of lord Hastings, to this violent and sanguinary measure. However easy it was, in those illegal and barbarous times, to obtain a sentence against the most innocent person, it appeared still more easy to dispatch an enemy, without any trial or form of process; and orders were accordingly issued to Sir Richard Ratcliffe, a proper instrument in the hands of this tyrant, to cut off the heads of the noble prisoners. The protector then assailed the fidelity of Buckingham by all the arguments capable of swaying a vicious mind, which knew no motive of action but interest and ambition. He represented, that the murder of persons so nearly related to the King, whom that prince professed so openly to love, and whose injuries he so much resented, would never pass unpunished; and all the actors in that scene were bound in prudence to prevent the effects of his future vengeance: That it would be impossible to keep the Queen for ever at a distance from her son, and equally impossible to prevent her from instilling into his tender Duke of Gloucester protector.

* Sir T. More, p. 491. † Hist. Croyl. cont. p. 566.

mind

Chap. XXIII. 1483. mind the thoughts of retaliating, by like executions, the ſanguinary inſults committed on her family: That the only method of obviating theſe miſchiefs was by putting the ſceptre into the hands of a man, of whoſe friendſhip the duke might be aſſured, and whoſe years and experience taught him to pay reſpect to merit and to the rights of antient nobility: And that the ſame neceſſity which had carried them ſo far in reſiſting the uſurpation of theſe intruders, muſt juſtify them in attempting farther innovations, and in making, by national conſent, a new ſettlement of the ſucceſſion. To theſe reaſons, he added the offers of great private advantages to the duke of Buckingham, and he eaſily obtained from him a promiſe of ſupporting him in all his enterprizes.

THE duke of Gloceſter, knowing the importance of gaining lord Haſtings, ſounded at a diſtance his ſentiments, by the means of one Cateſby, a lawyer, who was a great confident of that nobleman; but found him impregnable in his allegiance and fidelity to the children of Edward, who had ever honoured him with his friendſhip *. He ſaw, therefore, that there was no longer any meaſures to be kept with him; and he determined to ruin utterly the man, whom he deſpaired
13th of June. of engaging to concur in his uſurpation. On the very day when Rivers, Gray, and Vaughan, were executed, or rather murdered, at Pomfret, by Haſtings's advice, the protector ſummoned a council in the Tower; whither that nobleman, ſuſpecting no deſign againſt him, repaired without heſitation. The duke of Gloceſter was capable of committing the moſt bloody and treacherous murders with the utmoſt coolneſs and indifference. On taking his place at the council-board, he appeared in the eaſieſt and moſt jovial humour in the world. He ſeemed to indulge himſelf in familiar converſation with the counſellors, before they ſhould enter upon buſineſs; and having paid ſome compliments to Morton, biſhop of Ely, on the good and early ſtrawberries which he raiſed in his garden at Holborn, he begged the favour of having a diſh of them, which that prelate immediately diſpatched a ſervant to bring him. The protector then left the council, as if called away by ſome other buſineſs; but ſoon after returning with an angry and enflamed countenance, he aſked them, what puniſhment thoſe deſerved that had plotted againſt *his* life, who was ſo nearly related to the King, and was entruſted with the adminiſtration of the government? Haſtings replied, that they merited the puniſhment of traitors. *Theſe traitors*, cried the protector, *are the ſorcereſs, my brother's wife, and Jane Shore, his miſtreſs, with others, their aſſociates: See to what a condition they have reduced me by their incantations and witchcraft:* Upon which he laid bare his arm, all ſhrivelled and decayed. But the counſellors, who knew that this infirmity had attended him from his birth,

* Sir T. More. p. 493.

looked at each other in amazement; and above all, lord Haſtings, who as he had, ſince Edward's death, engaged in an intrigue with Jane Shore *, was naturally anxious concerning the iſſue of theſe extraordinary proceedings. *Certainly, my lord*, ſaid he, *if they be guilty of theſe crimes, they deſerve the ſevereſt puniſhment.* *And do you reply to me*, exclaimed the Protector, *with your* ifs *and your* ands. *You are the chief abettor of that witch Shore: You are yourſelf a traitor: And I ſwear by St. Paul, that I will not dine before your head be brought me.* He ſtruck the table with his hand: Armed men ruſhed in at the ſignal: The counſellors were thrown into the utmoſt conſternation: And one of the guards, as if by accident or miſtake, aimed a blow at lord Stanley, with a poll-ax, who aware of the danger, ſlunk below the table, and tho' he ſaved his life, he received a ſevere wound on the head, in the protector's preſence. Haſtings was ſeized, was hurried away, and inſtantly beheaded on a timber-log, which lay in the court of the Tower †, Two hours after, a proclamation, well-penned and fairly wrote, was read to the citizens of London, enumerating Haſting's offences, and apologizing to them, from the ſuddenneſs of the diſcovery, for the ſudden execution of that nobleman, who was very popular among them: But the ſaying of a merchant was much talked of on that occaſion, who remarked, that the proclamation was certainly drawn by the ſpirit of prophecy ‡.

Chap. XXIII. 1483.

Execution of lord Haſtings.

Lord Stanley, the archbiſhop of York, the biſhop of Ely, and other counſellors, were committed priſoners to different chambers of the Tower: And the protector, in order to carry on the farce of his accuſations, ordered the goods of Jane Shore to be ſeized; and he ſummoned her to anſwer before the council for ſorcery and inchantment. But as no proofs, which could be received even in that ignorant age, were produced againſt her, he ordered her to be tried in the ſpiritual court, for her adulteries and lewdneſs; and ſhe did penance in a white ſheet at St. Paul's before the whole people. This lady was born of reputable parents in London, was well educated, and married to a ſubſtantial citizen; but unhappily, views of intereſt, more than the maid's inclinations, had been conſulted in this match, and her mind, tho' framed for virtue, had proved unable to reſiſt the

* Sir Thomas More, who has been followed, or rather tranſcribed, by all the hiſtorians of this ſhort reign, ſays, that Jane Shore had fallen into connexions with lord Haſtings; and this account agrees beſt with the courſe of the events: But in a proclamation of Richard's, to be found in Rymer, vol. 12. p. 204, the marquis of Dorſet is reproached with theſe connexions. This reproach, however, might have been invented by Richard, or founded only on popular rumour; and is not ſufficient to overbalance the authority of Sir Thomas More. The proclamation is remarkable for the hypocritical purity of manners affected by Richard: This bloody and treacherous tyrant upbraids the Marquis and others, with their gallantries and intrigues as the moſt terrible enormities.

† Hiſt. Croyl. cont. p. 566. ‡ Sir Thomas More, p. 496.

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allurements of Edward, who ſollicited her favours. But while ſeduced from her duty by this gay and amorous monarch, ſhe ſtill made herſelf reſpectable by her other virtues; and the aſcendant, which her charms and vivacity long maintained over him, was all employed in acts of beneficence and humanity. She was ſtill forward to oppoſe calumny, to protect the oppreſſed, to relieve the indigent; and her good offices, the genuine reſult of her heart, never waited the ſolicitation of preſents, or the hopes of reciprocal favours. But ſhe lived not only to feel the bitterneſs of ſhame impoſed on her by this barbarous tyrant, but to experience in old age and poverty, the ingratitude of thoſe courtiers, who had long ſolicited her friendſhip, and been protected by her credit. No one, among the great multitudes, whom ſhe had obliged, appeared to bring her conſolation or relief: She languiſhed out her life in ſolitude and indigence: And amidſt a court, enured to the moſt atrocious crimes, the frailties of this woman juſtified all violations of friendſhip towards her, and all oblivion of former favours.

The protector aims at the crown.

THOSE acts of violence, exerciſed againſt all the neareſt connexions of the late King, prognoſticated the ſevereſt fate to his defenceleſs children; and after the murder of Haſtings, the Protector made no longer a ſecret of his intentions to uſurp the crown. The licentious life of Edward, who was not reſtrained in his pleaſures by any principle either of honour or prudence, afforded a pretence for declaring his marriage with the Queen invalid, and all his poſterity illegitimate. It was aſſerted, that before his eſpouſals with the lady Elizabeth Gray, he had paid court to the lady Eleanor Talbot, daughter of the earl of Shrewſbury; and being repulſed by the virtue of that lady, he was obliged, ere he could gratify his deſires, to conſent to a private marriage, without any witneſſes, by Stillington, biſhop of Bath, who afterwards revealed the ſecret *: It was alſo maintained, that the act of attainder, paſſed againſt the duke of Clarence, had virtually incapacitated his children from ſucceeding to the crown; and theſe two families being ſet aſide, the Protector of courſe remained the only true and legitimate heir of the houſe of York. But as it would be difficult, if not impoſſible, to prove the preceding marriage of the late King; and as the principle which excluded the heirs of an attainted blood, from private ſucceſſions was never extended to the crown; the Protector reſolved to make uſe of another plea ſtill more ſhameful and ſcandalous. His partizans were taught to maintain, that both Edward IV. and the duke of Clarence, were illegitimate; that the dutcheſs of York had received different lovers into her bed, who were the fathers of theſe children; that their reſemblance to thoſe gallants was a ſufficient proof of their ſpurious birth; and that the duke of Gloceſter alone, of all her ſons, appeared,

* Hiſt. Croyl. cont. p. 567. Comines. Sir Thomas More, p. 482.

by

by his features and countenance, to be the lawful offspring of the duke of York. Chap. XXIII. 1483.
Nothing can be imagined more impudent than this assertion, which threw so foul an imputation on his own mother, a princess of irreproachable virtue, and then alive; yet the place chosen for first promulgating it was the pulpit, before the whole people, and in the Protector's presence. Dr. Shaw was appointed to preach in St. Paul's; and having chosen this passage for his text, *Bastard slips shall not thrive*, he enlarged on all the topics, which could discredit the birth of Edward IV. the duke of Clarence, and of all their children. He then broke out in a panygeric on the duke of Gloucester; and exclaimed, "Behold this excellent "prince, the express image of his noble father, the genuine descendant of the "house of York, bearing, no less in the virtues of his mind, than in the features "of his countenance, the character of the gallant Richard, once your hero and "favourite: He alone is entitled to your allegiance: He must deliver you from "the dominion of all intruders: He alone can restore the lost glory and honour "of the nation." It was previously contrived, that, as the doctor should pronounce these words, the duke of Gloucester should enter the church; and it was expected that the audience should cry out, *God save King Richard*; which would immediately have been laid hold of as a popular consent, and interpreted to be the voice of the nation: But by a ridiculous mistake, worthy of the whole scene, the duke did not appear, till after this exclamation was already recited by the preacher. The doctor was therefore obliged to repeat his rhetorical figure out of its proper place: The audience, less from the absurd conduct of the discourse, than from their detestation of these proceedings, kept a profound silence; and the Protector and his preacher, were equally abashed at the ill success of their stratagem. 22d June.

But the duke was too far advanced to recede from his criminal and ambitious projects. A new expedient was tried to work on the people. The mayor, who was brother to doctor Shaw, and entirely in the Protector's interests, called an assembly of the citizens; where the duke of Buckingham, a man who possessed some talents for eloquence, harangued them on the Protector's title to the throne, and displayed those numerous virtues, of which, he pretended, that prince was possessed. He then asked them, whether they would not have the duke for King? and then stopt, in expectation of hearing the cry, *God save King Richard*. He was surprized to observe them silent; and turning about to the mayor, he asked him the reason. The mayor replied, that perhaps they did not understand him. Buckingham then repeated his discourse with some variation; inforced the same topics, asked the same question, and was received with the same silence. "I now see the cause," said the mayor, "the citizens are not accustomed to be harangued by any but

Chap XXIII. 1483. "their recorder; and know not how to anſwer a perſon of your grace's quality." The recorder, Fitz-Williams, was then commanded to repeat the ſubſtance of the duke's ſpeech; but the man, who was very averſe to the office, took care, throughout his whole diſcourſe, to have it underſtood, that he ſpoke nothing of himſelf, and that he only conveyed to them the ſenſe of the duke of Buckingham. Still the audience kept a profound ſilence: "This is wonderful obſtinacy," cried the duke: "Expreſs your meaning, my friends, one way or other: When we ap- "ply to you on this occaſion, it is merely from the regard which we bear to you. "The lords and commons have ſufficient authority, without your conſent, to "appoint a King: But I require you here to declare in plain terms, whether or "not you will have the duke of Gloceſter for your ſovereign." After all theſe efforts, ſome of the meaneſt apprentices, incited by the Protector's and Buckingham's ſervants, raiſed a feeble cry, *God ſave King Richard* *: The ſentiments of the nation were now ſufficiently declared: The voice of the people was the voice of God: And Buckingham with the mayor, haſtened to Baynard's caſtle, where the Protector then reſided, that they might engage him to aſſume the government.

25th June.

When Richard was told, that a great multitude was in the court, he refuſed to appear to them, and pretended to be apprehenſive for his perſonal ſafety: A circumſtance much taken notice of by Buckingham, who obſerved to the citizens, that the prince was ignorant of the whole deſign. At laſt, he was perſuaded to come forth, but he ſtill kept at ſome diſtance; and he aſked the meaning of their intruſion and importunity. Buckingham told him, that the nation were reſolved to have him for King: The Protector declared his purpoſe to maintain his loyalty to the preſent ſovereign, and exhorted them to adhere to the ſame reſolution. He was told, that the nation were determined to have another prince; and if he rejected their unanimous voice, they muſt look out for one, who would be more compliant. This argument was too powerful to be reſiſted: He was prevailed on to accept of the crown: And he thenceforth acted as legitimate and rightful ſovereign.

The protector aſſumes the throne.

This ridiculous farce was ſoon after followed by a ſcene truly tragical: The murder of the two infant princes. Richard ſent orders to ſir Robert Brakenbury, conſtable of the Tower, to put his nephews to death; but this gentleman, who had ſentiments of honour, refuſed to have any hand in the infamous office. The tyrant then ſent ſir James Tyrrel, who promiſed obedience; and he ordered Brakenbury to reſign to this gentleman the keys of the Tower for one night. Tyrrel, chooſing three aſſociates, Slater, Dighton and Forreſt, came in the night-

Murder of Edward V. and of the duke of York.

* Sir Thomas More, p. 496.

time

time to the door of the chamber where the princes were lodged; and sending in the assassins, he bid them execute their commission; while he himself staid without. They found the young princes in bed, and fallen into a sound sleep. After suffocating them with the bolster and pillows, they showed their naked bodies to Tyrrel, who ordered them to be buried at the stair foot, deep in the ground, under a heap of stones *. These circumstances were all confessed by the actors in the following reign; and they were never punished for the crime: Probably, because Henry, whose maxims of government were extremely arbitrary, desired to establish it as a principle, that the commands of the reigning sovereign ought to justify every enormity in those who paid obedience to them. But there is one circumstance not so easy to be accounted for: It is pretended, that Richard, displeased with this indecent manner of burying his nephews, whom he had murdered, gave his chaplain orders to dig up the bodies, and to interr them in consecrated ground; and as the man died soon after, the place of their burial remained unknown, and the bodies could never be found by any search, which Henry VII. could make for them. Yet in the reign of Charles II. when there was occasion to remove some stones and to dig into the very spot, which was mentioned as the place of their first interment, the bones of two persons were there found, which by their size corresponded exactly to the age of Edward and his brother: They were concluded with certainty to be the remains of those princes, and were interred under a marble monument by orders of King Charles †. Perhaps, Richard's chaplain had died before he found an opportunity of executing his master's commands; and the bodies being supposed to be already removed, a diligent search was not made for them by Henry in the place where they had been interred.

* Sir T. More, p. 501.

† Kennet, p. 551.

RICHARD III.

Chap. XXIII. 1483.

THE firſt acts of Richard's adminiſtration were to beſtow rewards on thoſe who had aſſiſted him in uſurping the crown, and to gain by favours thoſe, who, he thought, were beſt able to ſupport his future government. Thomas, lord Howard, was created duke of Norfolk; Sir Thomas Howard, his ſon, earl of Surrey; lord Lovel, a viſcount by the ſame name; even lord Stanley was ſet at liberty and made lord Steward of the houſehold. This nobleman had become obnoxious by his firſt oppoſition to Richard's views, and alſo by his marrying the counteſs dowager of Richmond, the heireſs of the Somerſet family; but ſenſible of the neceſſity of ſubmiſſion to the preſent government, he counterfeited ſuch zeal for Richard's cauſe, that he was received into favour, and even found means to be entruſted with the moſt important commands by that politic and jealous tyrant.

BUT the perſon, who, both from the greatneſs of his ſervices and the power and ſplendor of his family, was beſt intitled to favours under the new government, was the duke of Buckingham; and Richard ſeemed determined to ſpare no pains nor bounty in ſecuring him to his intereſts. Buckingham was deſcended from a daughter of Thomas of Woodſtock, duke of Gloceſter, uncle to Richard II. and by this pedigree, he was both allied to the royal family, and had claims for dignities as well as eſtates, of a very extenſive nature. The duke of Gloceſter and Henry, earl of Derby, afterwards Henry IV. had married the two daughters and co-heirs of Bohun, earl of Hereford, one of the greateſt of the antient barons, whoſe immenſe property came thus to be divided into two ſhares. The one was inherited by the family of Buckingham; the other was united to the crown by the family of Lancaſter, and after the forfeiture of that royal line, was ſeized as legally devolved to them, by the ſovereigns of the houſe of York. The duke of Buckingham laid hold of the preſent opportunity, and claimed the reſtitution of that portion of the Hereford eſtate, which had eſcheated to the crown, as well as of the great office of conſtable, which had long continued by inheritance in his anceſtors of that family. Richard readily complied with theſe demands, which were probably the price ſtipulated to Buckingham for his aſſiſtance in promoting the uſurpation. That nobleman was inſtalled in the office of conſtable; he received a grant of the eſtate of Hereford *; many other dignities

* Dugdale Baron. vol. 1. p. 168, 169.

and honours were conferred upon him; and the King thought himself secure of preserving the fidelity of a man, whose interests seemed to be so closely connected with those of the present government. Chap. XXIII. 1483.

Duke of Buckingham discontented.

But it was impossible, that friendship could long remain inviolate between two men of such corrupt morals as Richard and the duke of Buckingham. Historians ascribe their first quarrel to the King's refusal of making restitution of the Hereford estate; but it is certain from records, that he passed a grant for that purpose, and that the full demands of Buckingham were satisfied in this particular. Perhaps, Richard was soon sensible of the danger which might ensue from conferring such an immense property on a man of so turbulent a character, and afterwards raised difficulties about the execution of his own grant: Perhaps he refused some other demands of Buckingham, whom he found it impossible to satisfy for his past services: Perhaps, he resolved, according to the usual maxim of politicians, to seize the first opportunity of ruining this powerful subject, who had been the principal instrument of his own elevation; and the discovery of this intention begot the first suspicions in the duke of Buckingham. However this may be, it is certain, that the duke, soon after Richard's accession, began to form a conspiracy against the government, and attempted to overthrow that usurpation, which he himself had so zealously contributed to establish.

Never was there an usurpation in any country more flagrant than that of Richard, nor more repugnant to every principle of justice and public interest. His claim was entirely founded on impudent allegations, never attempted to be proved, some of them incapable of proof, and all of them, implying scandalous reflections on his own family, and on the persons with whom he was the most nearly connected. His title was never acknowledged by any national assembly, scarce even by the lowest populace to whom he appealed; and had become prevalent merely for want of some person of distinction, who might stand forth against him, and give a voice to those sentiments of general detestation, which arose in every bosom. Were men disposed to pardon these violations of public right, the sense of private and domestic duty, which is not to be effaced in the most barbarous times, must have begot an abhorrence against him; and have represented the murder of the young and innocent princes, his nephews, with whose protection he had been entrusted, in the most odious colours imaginable. To endure such a bloody usurper seemed to draw disgrace upon the nation, and to be attended with immediate danger to every individual, who was distinguished by his birth, merit, or services. Such was become the general voice of the people; all parties were united in the same sentiments; and the Lancastrians, so long oppressed, and, of late, so much discredited, felt their blasted hopes again revive, and

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Chap. XXIII. 1483.

anxiously attended to the consequences of these extraordinary events. The duke of Buckingham, whose family had been devoted to that interest, and who, by his mother, a daughter of Edmund, duke of Somerset, was allied to the house of Lancaster, was easily inclined to espouse the cause of this party, and to endeavour the restoring it to its antient superiority. Morton, bishop of Ely, a zealous Lancastrian, whom the King had imprisoned, and had afterwards committed to the custody of Buckingham, encouraged these sentiments; and by his exhortations the duke cast his eye on the young earl of Richmond, as the only person, who could free the nation from the tyranny of the present usurper*.

The earl of Richmond.

HENRY, earl of Richmond, was at this time detained in a kind of honourable custody by the duke of Brittany; and his descent, which seemed to give him some pretensions to the crown, had been a great object of jealousy both in the late and in the present reign. John, the first duke of Somerset, who was grandson of John of Gaunt, by a spurious branch, but legitimated by act of parliament, had left only one daughter, Margaret; and his younger brother, Edmund, had succeeded him in his titles, and in a considerable part of his fortune. Margaret had espoused Edmund, earl of Richmond, half brother of Henry VI. and son of Sir Owen Tudor and Catherine of France, relict of Henry V. and she bore him only one son, who received the name of Henry, and who after his father's death, inherited the honours and fortune of Richmond. His mother, being a widow, had espoused in second marriage Sir Henry Stafford, uncle to Buckingham, and after the death of that gentleman, had married the present lord Stanley; but had no children by either of these husbands; and her son, Henry, was thus, in the event of her death, the only lawful heir of all her fortunes. But this was not the most considerable advantage, which he had reason to expect from her succession: He would represent the eldest branch of the house of Somerset; he would inherit all the title of that family to the crown; and tho' its claim, while any legitimate branch subsisted of the house of Lancaster, had always been much disregarded, the zeal of faction, after the death of Henry VI. and the murder of prince Edward, immediately conferred a weight and consideration upon it.

KING Edward IV. finding, that all the Lancastrians had cast their eyes towards the young earl of Richmond, as the object of their hopes, thought him also worthy of his attention; and pursued him into his retreat in Brittany, whither his uncle, the earl of Pembroke, had carried him, after the battle of Teukesbury, so fatal to his party. He applied to Francis II. duke of Brittany, who was his ally, a weak but a good prince; and desired him to deliver up this fugi-

* Hist. Croyl. cont. p. 568.

tive,

tive, who might be the ſource of future diſturbances in England: But the duke, averſe to ſo diſhonourable a propoſal, would only conſent, that, for the ſecurity of Edward, the young nobleman ſhould be detained in cuſtody; and he received an annual penſion from England for the ſafe keeping or ſubſiſtance of his priſoner. But towards the end of Edward's reign, when the kingdom was menaced with a war both from France and Scotland, the anxieties of the Engliſh court with regard to Henry were very much encreaſed; and Edward made a new propoſal to the duke, which covered, under the faireſt appearances, the moſt bloody and treacherous intentions. He pretended, that he was deſirous of gaining his enemy, and of uniting him to his own family by a marriage with his daughter, Elizabeth; and he ſollicited to have him ſent over to England, for the executing a ſcheme, which would redound ſo much to his advantage. Theſe pretences, ſeconded by bribes to Peter Landais, a corrupt miniſter, by whom the duke was entirely governed, gained credit with the court of Brittany: Henry was delivered into the hands of the Engliſh agents: He was ready to embark: When a ſuſpicion of Edward's real deſign was ſuggeſted to the duke, who recalled his orders, and thus ſaved the unhappy youth from the imminent danger, which hung over him. Chap. XXIII. 1483.

These ſymptoms of continued jealouſy in the reigning family of England, both ſeemed to give ſome authority to Henry's pretenſions, and made him the object of general favour and compaſſion, on account of the dangers and perſecutions to which he was expoſed. The univerſal deteſtation of Richard's conduct turned ſtill more the attention of the nation towards him; and as all the deſcendants of the houſe of York were either women or minors, he ſeemed to be the only perſon from whom the nation could expect the expulſion of the odious and bloody tyrant. But notwithſtanding theſe circumſtances, which were ſo favourable to Henry, Buckingham and the biſhop of Ely well knew, that there would ſtill lie many obſtructions in his way to the throne; and that tho' the nation had been extremely divided between Henry VI. and the duke of York, when preſent poſſeſſion and hereditary right ſtood in oppoſition to each other; yet, ſo ſoon as theſe titles were conjoined by Edward IV. the bulk of the people had come over to the reigning family; and the Lancaſtrians had extremely decayed, both in numbers and authority. It was therefore ſuggeſted by Morton, and readily aſſented to by the duke, that the only means of overturning the preſent uſurpation, was to unite the oppoſite factions, by contracting a marriage between the earl of Richmond and the princeſs Elizabeth, eldeſt daughter of King Edward, and thereby blending together the oppoſite pretenſions of their families, which had ſo long been the ſource of public diſorders and convulſions. They were ſenſible,

Chap. XXIII. 1483. that the people were extremely desirous of repose after so many bloody and destructive commotions; that both Yorkists and Lancastrians, who now lay equally under oppression, would embrace this scheme with ardour; and that the prospect of reconciling the two parties, which was in itself so desirable an end, would, when added to the general hatred of the present government, render their cause absolutely invincible. In consequence of these views, the prelate, by means of Reginald Bray, steward to the countess of Richmond, opened the first proposals of such an union to that lady; and the scheme appeared so advantageous for her son, and, at the same time, so likely to succeed, that it admitted not of the least hesitation. Dr. Lewis, a Welsh physician, who had access to the Queen-dowager in her sanctuary, carried the proposals to her; and found, that revenge for the murder of her brother and of her three sons, apprehensions for her remaining family, resentment of her confinement and oppressions, easily overcame all her prejudices against the house of Lancaster, and procured her approbation of a marriage, to which the age and birth, as well as the present situation, of the two parties, seemed so naturally to invite them. She secretly borrowed a sum of money in the city, sent it over to the earl of Richmond, required his oath to fulfil the marriage as soon as he should arrive in England, advised him to levy as many foreign forces as possible, and promised to join him, on his first appearance, with all the friends and partizans of her family.

The plan being thus laid upon the solid foundations of good sense and sound policy, it was secretly communicated to the principal persons of both parties in all the counties of England; and a wonderful alacrity appeared in every order of men, to forward its success and completion. But it was impossible, that so extensive a conspiracy could be conducted so secretly as entirely to escape the jealous and vigilant eye of Richard; and he soon received intelligence, that his enemies, headed by the duke of Buckingham, were forming some design against his authority. He immediately put himself in a posture of defence by levying some troops in the North; and he summoned the duke to appear at court, in such terms as seemed to promise him a renewal of their former friendship. But that nobleman, well acquainted with the barbarity and treachery of Richard, replied only by taking arms in Wales, and giving the signal to his accomplices for a general insurrection in all parts of England. But there happened at that very time to fall such heavy rains, so incessant and continued, as exceeded any known in the memory of man; and the Severne, with the other rivers in that neighbourhood, swelled to a height which rendered them impassable, and prevented Buckingham from marching into the heart of England to join his associates. The Welshmen, partly moved by superstition at this extraordinary event, partly distressed by famine

October.

mine in their camp, fell off from him; and Buckingham finding himſelf deſerted by his followers, put on a diſguiſe, and took ſhelter in the houſe of Baniſter, an old ſervant of his family. But being detected in his retreat, he was brought to the King at Saliſbury; and was inſtantly tried, condemned, and executed, according to the ſummary method practiſed in thoſe ages *. The other conſpirators, who took arms in four different places, at Exeter, at Saliſbury, at Newbury, at Maidſtone, hearing of the duke of Buckingham's misfortunes, deſpaired of ſucceſs, and immediately diſperſed themſelves. Chap. XXIII. 1483. Buckingham executed.

THE marquiſs of Dorſet and biſhop of Ely made their eſcape beyond ſea: Many others were equally fortunate. Several fell into Richard's hands, of whom he made ſome examples. His executions ſeem not to have been remarkably ſevere; tho' we are told of one gentleman, William Colingbourne, who ſuffered under colour of this rebellion, but in reality for a diſtich of quibbling verſes, which he had compoſed againſt Richard and his miniſters †. The earl of Richmond, in concert with his friends, had ſet ſail from St. Malo's, carrying on board a body of 5000 men, levied in foreign parts; but his fleet being at firſt drove back by a ſtorm, he appeared not on the coaſt of England till after the diſperſion of all his friends; and he found himſelf obliged to return to the court of Brittany.

THE King, thus triumphant in all places, and ſtrengthened by this unſucceſsful attempt to dethrone him, ventured at laſt to ſummon a parliament; a meaſure which his crimes and flagrant uſurpation had made him hitherto decline. Tho' it was natural that the parliament, in a conteſt of national parties, ſhould always adhere to the victor, he ſeems to have apprehended, leſt his title, founded on no principle, and ſupported by no party, might be rejected by that aſſembly. But his enemies being now at his feet, the parliament had no choice but to recognize his authority, and acknowledge his right to the crown. His only ſon Edward, then a youth of twelve years of age, was created prince of Wales: The duties of tonnage and poundage were granted him for life: And Richard, in order to reconcile the nation to his government, paſſed ſome popular laws, particularly one againſt the late practice of extorting money on pretence of benevolences. 1484. 23d of Jan.

* Hiſt. Croyl. cont. p. 568.

† The lines were:

The Rat, the Cat, and Lovel that Dog,
Rule all England under the Hog.

Alluding to the names of Ratcliffe and Cateſby; and to Richard's arms, which were a boar.

Chap. XXIII. 1484.

ALL the other measures of the King tended to the same object. Sensible, that the only circumstance which could give him security was to gain the confidence of the Yorkists, he paid court to the Queen-dowager with such art and address, made such earnest protestations of his sincere good-will and friendship, that this princess, tired of confinement, and despairing of any success from her former projects, ventured to leave her sanctuary, and to put herself and her daughters into the hands of the tyrant. But he soon carried farther his views for the establishment of his throne. He had married Anne, the second daughter of the earl of Warwic, and widow of Edward prince of Wales, whom Richard himself had murdered; but this princess having born him but one son, who died about this time, he considered her as an invincible obstacle to the settlement of his fortune, and he was believed to have carried her off by poison; a crime for which the public could not be supposed to have any very solid proof, but which the usual tenor of his conduct made it reasonable to suspect. He now thought it in his power to remove the chief perils which threatened his government. The earl of Richmond, he knew, could never be dangerous but from his projected marriage with the princess Elizabeth, the true heir of the crown; and he therefore intended, by means of a papal dispensation, to espouse himself this princess, and thus to unite in his own family their contending titles. The Queen-dowager, eager to recover her lost authority, neither scrupled this alliance, which was very unusual in England, and was regarded as incestuous; nor felt any horror at marrying her daughter to the murderer of her three sons and of her brother: She even conjoined so far her interests with those of the usurper, that she wrote to all her partizans, and among the rest, to her son the marquis of Dorset, desiring them to withdraw from the earl of Richmond; an injury which the earl could never afterwards forgive: The court of Rome was applied to for a dispensation: Richard thought, that he could easily defend himself during the interval, till it arrived; and he had afterwards the agreeable prospect of a full and secure settlement. He flattered himself, that the English nation, seeing all danger removed of a disputed succession, would then acquiesce under the dominion of a prince, who was of mature years, of great abilities, and of a genius qualified for government; and that they would forgive him all the crimes which he had committed in paving his way to the throne.

BUT the crimes of Richard were so horrid and so shocking to humanity, that the natural sentiments of men, without any political or public views, were sufficient to render his government unstable; and every person of probity and honour was earnest to prevent the sceptre from being farther polluted by that bloody and treacherous hand which held it. All the exiles flocked to the earl of Richmond

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in Brittany, and exhorted him to haſten his attempt of a new invaſion, and to prevent the marriage of the princeſs Elizabeth, which muſt prove ſo fatal to all his hopes. The earl, ſenſible of the urgent neceſſity, but dreading the treachery of Peter Landais, who had entered into a negotiation with Richard for delivering him up, was obliged to attend only to his preſent ſafety; and he made his eſcape to the court of France. The miniſters of Charles VIII. who had now ſucceeded to the throne after the death of his father Lewis, gave him countenance and protection; and being deſirous of raiſing diſturbances to Richard, they ſecretly encouraged the earl in the levies which he made for the ſupport of his enterprize againſt England. The earl of Oxford, whom Richard's ſuſpicions had thrown into confinement, having made his eſcape, here joined Henry; and enflamed his ardour for the attempt, by the favourable accounts which he brought of the diſpoſitions of the Engliſh nation, and their univerſal hatred of Richard's crimes and uſurpation. Chap. XXIII. 1484.

THE earl of Richmond ſet out from Harfleur in Normandy with a retinue of about 2000 perſons; and after a navigation of ſix days, he arrived at Milford-Haven in Wales, where he landed without oppoſition. He directed his courſe to that part of the kingdom, in hopes that the Welſh, who regarded him as their countryman, and who had been already prepoſſeſſed in favour of his cauſe by means of the duke of Buckingham, would join his ſtandard, and enable him to make head againſt the eſtabliſhed government. Richard, who knew not in what quarter he might expect the invader, had taken poſt at Nottingham, in the centre of the kingdom; and having given commiſſions to different perſons in the ſeveral counties, whom he empowered to oppoſe his enemy, he propoſed in perſon to fly, on the firſt alarm, to the place which was expoſed to danger. Sir Rice ap Thomas and Sir Walter Herbert were entruſted with this authority in Wales; but the former immediately deſerted to Henry; the ſecond made but feeble oppoſition to him: And the earl, advancing towards Shrewſbury, received every day ſome reinforcement from his partizans. Sir Gilbert Talbot joined him with all the vaſſals and retainers of the family of Shrewſbury: Sir Thomas Bourchier, Sir Walter Hungerford, brought their friends to ſhare his fortune; and the appearance of men of diſtinction in his camp made already the cauſe wear a favourable aſpect. 1485. Invaſion by the earl of Richmond. 7th of Aug.

BUT the danger to which Richard was chiefly expoſed, proceeded not ſo much from the zeal of his open enemies, as from the infidelity of his pretended friends. Scarce any nobleman of diſtinction was ſincerely attached to his cauſe, except the duke of Norfolk; and all thoſe who feigned the moſt loyalty were only watching an

Chap. XXIII. 1485. an opportunity to betray and desert him. But the persons of whom he entertained the greatest suspicion, were the lord Stanley and his brother Sir William; whose connexions with the earl of Richmond, notwithstanding their professions of attachment to his person, were never entirely forgot or overlooked by him. When he empowered lord Stanley to levy forces, he still retained his eldest son, lord Strange, as a pledge of his fidelity; and that nobleman was, on this account, obliged to employ great precaution and reserve in his proceedings. He raised a powerful body of his friends and retainers in Cheshire and Lancashire, but without openly declaring himself: And tho' Henry had received secret assurances of his friendly intention, the armies on both sides knew not what to infer from his equivocal behaviour. The two rivals, at last, approached each other, at Bosworth near Leicester; Henry at the head of six thousand men, Richard with an army of above double the number; and a decisive action was every hour looked for between them. Stanley, who commanded about seven thousand men, took care to post himself at Atherstone, not far from the expected field of battle; and he made such a disposition as enabled him on occasion to join either party. Richard had too much sagacity not to discover his intentions from these movements; but he kept the secret from his own men for fear of discouraging them: He took not immediate revenge on Stanley's son, as some of his courtiers advised him; because he hoped that so valuable a pledge would induce the father to prolong still farther his ambiguous conduct: And he hastened to decide by arms the quarrel with his competitor; being certain, that a victory over the earl of Richmond would enable him to take ample revenge of all his enemies, open and concealed.

22d of Aug. Battle of Bosworth.

THE van of Richmond's army, consisting of archers, was commanded by John earl of Oxford: Sir Gilbert Talbot led the right wing; Sir John Savage the left: The earl himself, accompanied by his uncle, the earl of Pembroke, placed himself in the main body. Richard also took post in *his* main body, and entrusted the command of his van to the duke of Norfolk: As his wings were never engaged, we have not learned the names of the several commanders. Soon after the battle began, lord Stanley, whose conduct in this whole affair discovers great precaution and abilities, appeared in the field, and declared for the earl of Richmond. This measure, which was so unexpected to the men, tho' not to their leaders, had a proportional effect on both armies: It inspired unusual courage into Henry's soldiers; it threw Richard's into dismay and confusion. The intrepid tyrant, sensible of his desperate situation, cast his eye around the field, and perceiving his rival at no great distance, he drove against him with fury, in hopes, that either Henry's death or his own would soon decide the victory be-

tween them. He killed with his own hands Sir William Brandon, ſtandard-bearer to the earl: He diſmounted Sir John Cheyney: He was now within reach of Richmond himſelf, who declined not the combat; when Sir William Stanley, breaking in with his troops, ſurrounded Richard, who, fighting bravely to the laſt moment, was overwhelmed by the numbers of his enemies, and periſhed by a fate too mild and honourable for his multiplied and deteſtable enormities. His men every where ſought for ſafety by flight. Chap. XXIII. 1485. Death

THERE fell in this battle about 4000 men on the ſide of the vanquiſhed; and among theſe the duke of Norfolk, the lord Ferrars of Chartley, Sir Richard Ratcliffe, Sir Robert Piercy, and Sir Robert Brakenbury. The loſs was very inconſiderable on the ſide of the victors. Sir William Cateſby, a great inſtrument of Richard's crimes, was taken, and ſoon after beheaded, with ſome others, at Leiceſter. The body of Richard was found in the field, covered with dead enemies, and all beſmeared with blood: It was thrown careleſsly acroſs a horſe; was carried to Leiceſter amid the ſhouts of the inſulting ſpectators; and was interred in the Gray-Friars church of that place.

THE hiſtorians who favour Richard (for even he has met with partizans among the later writers) maintain, that he was well qualified for government, had he legally obtained it; and that he committed no crimes but ſuch as were neceſſary to procure him poſſeſſion of the crown: But this is a very poor apology, when it is confeſſed, that he was ready to commit the moſt horrid crimes, which appeared neceſſary for that purpoſe; and it is certain, that all his courage and capacity, qualities in which he really ſeems not to have been deficient, would never have made compenſation to the people for the danger of the precedent, and for the contagious example of vice and murder, exalted upon the throne. This prince was of a ſmall ſtature, hump-backed, and had a very harſh diſagreeable viſage; ſo that his body was in every particular no leſs deformed than his mind. and character of Richard III.

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THUS have we purſued the Hiſtory of England thro' a ſeries of many barbarous ages; till we have at laſt reached the dawnings of civility and ſcience, and have the proſpect, both of greater certainty in our hiſtorical narrations, and of being able to preſent to the reader a ſpectacle more worthy of his attention. The want of certainty, however, and of circumſtances, is not alike to be complained of throughout every period of this long narration. This iſland poſſeſſes many antient hiſtorians of good credit, as well as many hiſtorical monuments; and it is rare,

Chap. XXIII. rare, that the annals of ſo uncultivated a people, as were the Engliſh as well as the other European nations, after the decline of Roman learning, have been tranſmitted to poſterity ſo compleat, and with ſo little mixture of falſehood and of fable. This advantage we owe entirely to the clergy of the church of Rome; who, founding their authority on their ſuperior knowledge, preſerved the precious literature of antiquity from a total extinction *; and under ſhelter of their numerous privileges and immunities, acquired a ſecurity, by means of the ſuperſtition, which they would in vain have claimed, from the juſtice and humanity, of thoſe turbulent and licentious ages. Nor is the ſpectacle altogether unentertaining and uninſtructive, which the hiſtory of thoſe times preſents to us. The view of human manners and actions, in all their variety of appearances, is both profitable and agreeable; and if the aſpect in ſome periods ſeems horrid and deformed, we may thence learn to cheriſh with the greater anxiety that ſcience and civility which has ſo cloſe a connexion with virtue and humanity, and which, as it is a ſovereign antidote againſt ſuperſtition, is alſo the moſt effectual remedy againſt vice and diſorders of every kind.

THE riſe, progreſs, perfection, and decline of art and ſcience, are curious objects of contemplation, and intimately connected with a narration of civil tranſactions. The events of no particular period can be fully accounted for, but by conſidering the degrees of advancement, which men have reached in thoſe particulars.

THOSE who caſt their eye on the general revolutions of ſociety, will find, that, as all the improvements of the human mind had reached nearly to their ſtate of perfection about the age of Auguſtus, there was a ſenſible decline from that point or period; and men thenceforth relapſed gradually into ignorance and barbariſm. The unlimited extent of the Roman empire, and the conſequent deſpotiſm of the monarchs, extinguiſhed all emulation, debaſed the generous ſpirits of men,

* Every one that has peruſed the antient Monkiſh writers, knows, that, however barbarous their own ſtyle, they are full of alluſions to the Latin claſſics, eſpecially the poets. There ſeems alſo in thoſe middle ages to have remained many antient books, that are now loſt. Malmeſbury, who flouriſhed in the reign of Henry I. and K. Stephen, quotes Livy's deſcription of Cæſar's paſſage over the Rubicon. Fitz-Stephen, who lived in the reign of Henry II. alludes to a paſſage in the larger hiſtory of Salluſt. In the collection of letters, which paſſes under the name of Thomas a Becket, we ſee how familiar all the antient hiſtory and antient books were to the more ingenious and more dignified churchmen of that time, and conſequently how much that order of men muſt have ſurpaſſed all the other members of the ſociety. That prelate and his friends call each other philoſophers in all the courſe of their correſpondence, and conſider with reaſon the reſt of the world as ſunk into total ignorance and barbariſm. By the preſent diffuſion of learning, even thoſe who are illiterate receive ſo much improvement as to be more on a level with men of knowledge and learning.

and depreſſed that noble flame, by which all the refined arts muſt be cheriſhed and enlivened. The military government, which ſoon ſucceeded, rendered even the lives and properties of men inſecure and precarious; and proved deſtructive to thoſe vulgar and more neceſſary arts of agriculture, manufactures, and commerce; and in the end, to the military art, and genius itſelf, by which alone the immenſe fabric of the empire could be ſupported. The irruption of the barbarous nations, which ſoon followed, overwhelmed all human knowledge, which was already far in its decline; and men ſunk every age deeper into ignorance, ſtupidity, and ſuperſtition; till the light of antient ſcience and hiſtory, had very nearly ſuffered a total extinction in all the European nations. Chap. XXIII.

But there is an ultimate point of depreſſion, as well as of exaltation, from which human affairs naturally return in a contrary progreſs, and beyond which they ſeldom paſs either in their advancement or decline. The period, in which the people of Chriſtendom were the loweſt ſunk in ignorance, and conſequently in diſorders of every kind, may juſtly be fixed at the eleventh century, about the age of William the Conqueror; and from that Æra, the ſun of ſcience, beginning to re-aſcend, threw out many gleams of light, which preceded the full morning, when letters were revived in the fifteenth century. The Danes and other northern people, who had ſo long infeſted all the coaſts, and even the inland parts of Europe, by their depredations, having now learned the arts of tillage and agriculture, found a ſettled ſubſiſtance at home, and were no longer tempted to deſert their induſtry, in order to ſeek a precarious livelihood by rapine and by the plunder of their neighbours. The feudal governments alſo, among the more ſouthern nations, were reduced to a kind of ſyſtem; and tho' that ſtrange ſpecies of civil polity was ill fitted to enſure either liberty or tranquility, it was preferable to the univerſal licence and diſorder, which had every where preceded it. But perhaps there was no event, which tended farther to the improvement of the age, than one, which has not been much remarked, the accidental finding a copy of Juſtinian's Pandects, about the year 1130, in the town of Amalfi in Italy.

The eccleſiaſtics, who had leizure, and ſome inclination to ſtudy, immediately adopted with zeal this excellent ſyſtem of juriſprudence, and ſpread the knowledge of it in every part of Europe. Beſides the intrinſic merit of the performance, it was recommended to them by its original connexion with the imperial city of Rome, which, being the ſeat of their religion, ſeemed to acquire a new luſtre and authority, by the diffuſion of its laws over the weſtern world. In leſs than ten years after the diſcovery of the Pandects, Vacarius, under the protection of Theobald, archbiſhop of Canterbury, read public lectures of civil law in the univerſity of Oxford; and the clergy every where, by their example as well as exhortation,

Chap. XXIII. were the means of ſpreading the higheſt eſteem for this new ſcience. That order of men, having large poſſeſſions to defend, were in a manner neceſſitated to turn their ſtudies towards the law; and their properties being often endangered by the violence of the princes and barons, it became their intereſt to enforce the obſervance of general and equitable rules, from which alone they could receive protection. As they poſſeſſed all the knowledge of the age, and were alone acquainted with the habits of thinking, the practice as well as ſcience of the law, fell moſtly into their hands: And tho' the cloſe connexion, which without any neceſſity they formed between the canon and civil law, begot a jealouſy in the laity of England, and prevented the Roman juriſprudence from becoming the municipal law of the country, as was the caſe in many ſtates of Europe, a great part of it was ſecretly transferred into the practice of the courts of juſtice, and the imitation of their neighbours, made the Engliſh gradually endeavour to raiſe their own law from its original ſtate of rudeneſs and imperfection.

IT is eaſy to ſee what advantages Europe muſt have reaped by its inheriting at once from the antients, ſo complete an art, which was of itſelf ſo neceſſary for giving ſecurity to all other arts, and which, by refining, and ſtill more, by beſtowing ſolidity on the judgment, ſerved as a model to farther improvements. The ſenſible utility of the Roman law both to public and private intereſt recommended the ſtudy of it, at a time when the more exalted and ſpeculative ſciences carried no charms with them; and thus the laſt branch of antient literature, which remained uncorrupted, was happily the firſt tranſmitted to the modern world. For it is remarkable, that in the decline of Roman learning, when the philoſophers were univerſally infected with ſuperſtition and ſophiſtry, and the poets and hiſtorians with barbariſm, the lawyers, who in other countries are ſeldom models of ſcience or politeneſs, were yet able, by the conſtant ſtudy and cloſe imitation of their predeceſſors, to maintain the ſame good ſenſe in their deciſions and reaſonings, and the ſame purity in their language and expreſſion.

WHAT beſtowed an additional merit on the civil law, was the extreme ignorance and imperfection of that juriſprudence, which preceded it among all the European nations, eſpecially among the Saxons or antient Engliſh. What abſurdities prevailed at that time in the adminiſtration of juſtice, may be conceived from the authentic monuments which remain of the antient Saxon laws; where a pecuniary commutation was received for every crime, where ſtated prices were fixed for men's lives and members, where private revenges were authorized for all injuries, where the uſe of the ordeal, corſnet, and afterwards of the duel, was the received method of proof, and where the judges were ruſtic freeholders, aſſembled of a ſudden, and deciding a cauſe from one debate or altercation of the

parties. Such a ſtate of ſociety was very little advanced beyond the rude ſtate of nature: Violence univerſally prevailed, inſtead of general and equitable maxims: The pretended liberty of the times, was only an incapacity of ſubmitting to government: And men, not protected by law in their lives and properties, ſought ſhelter, by their perſonal ſervility and attachments, under ſome powerful chieftain, or by voluntary combinations. Chap. XXIII.

The gradual progreſs of improvement, raiſed the Europeans ſomewhat from this uncultivated ſtate; and affairs, in this iſland particularly, took very early a turn, which was more favourable to juſtice and to liberty. Civil employments and occupations ſoon became honourable among the Engliſh: The ſituation of that people rendered not the perpetual attention to wars ſo neceſſary as among their neighbours, and all regard was not confined to the military profeſſion: The gentry, and even the nobility, began to deem an acquaintance with the law, a requiſite part of education: They were leſs diverted than afterwards from ſtudies of this kind by other ſciences; and in the age of Henry VI. we are told by Forteſcue, there were in the Inns of Court about two thouſand ſtudents, moſt of them men of honourable birth, who gave application to this branch of civil knowledge. A circumſtance which proves, that a conſiderable advance was already made in the ſcience of government, and which prognoſticated ſtill a greater.

One chief advantage, which reſulted from the introduction and progreſs of the arts, was the introduction and progreſs of freedom; and this conſequence affected men both in their *perſonal* and *civil* capacities.

If we conſider the antient ſtate of Europe, we ſhall find, that the far greater part of the ſociety were every where bereaved of their *perſonal* liberty, and lived entirely at the will of their maſters. Every one, that was not noble, was a ſlave: The peaſants were ſold along with the land: The few inhabitants of cities were not in a better condition: Even the gentry themſelves were ſubjected to a long train of ſubordination under the greater barons or chief vaſſals of the crown; who, tho' ſeemingly placed in a high ſtate of ſplendor, yet, having but a ſlender protection from the law, were expoſed to every tempeſt of ſtate, and by the precarious condition, in which they lived, paid dearly for the power of oppreſſing and tyrannizing over their inferiors. The firſt incident, which broke in upon this violent ſyſtem of government, was the practice, begun in France, of erecting communities and corporations, endowed with privileges and a ſeparate municipal government, which gave them protection againſt the tyranny of the barons, and

Chap. XXIII. which the prince himſelf deemed it prudent to reſpect *. The relaxation of the feudal tenures, and an execution, ſomewhat ſtricter, of the public law, beſtowed an independance on vaſſals, which was unknown to their forefathers. And even the peaſants themſelves, tho' later than other orders of the ſtate, made their eſcape from thoſe bonds of villenage or ſlavery, in which they had formerly been retained.

IT may appear ſtrange, that the progreſs of the arts, which ſeems, among the Greeks and Romans, to have daily encreaſed the number of ſlaves, ſhould, in later times, have proved ſo general a ſource of liberty; but this difference of the events proceeded from a great difference in the circumſtances, which attended thoſe inſtitutions. The antient barons, being obliged to maintain themſelves continually in a military poſture, and little emulous of elegance or ſplendor, employed not their villains as domeſtic ſervants, much leſs as manufacturers, but compoſed their retinue of free men, whoſe military ſpirit rendered the chieftain formidable to his neighbours, and who were ready to attend him in every warlike enterprize. The villains were occupied entirely in the cultivation of their maſter's land, and paid their rents either in corn and cattle and other produce of the farm, or in ſervile offices, which they performed about the baron's family, and upon the farms which he retained in his own poſſeſſion. In proportion as agriculture improved, and money encreaſed, it was found, that theſe ſervices, tho' extremely burthenſome to the villain, were of little advantage to the maſter; and that the produce of a large eſtate could be much more conveniently diſpoſed of by the peaſant himſelf, who raiſed it, than by the landlord or his bailiff, who were formerly accuſtomed to receive it. A commutation was therefore made of rents for ſervices, and of money rents for thoſe in kind; and as men, in a ſubſequent age, diſcovered, that farms were better cultivated where the farmer enjoyed a ſecurity of poſſeſſion, the practice of granting leaſes to the peaſant began to prevail, which entirely broke the bonds of ſervitude, already much relaxed from the former practices. Thus villenage went gradually into diſuſe throughout the more civilized parts of Europe: The intereſt of the maſter, as well as that of the ſlave, concurred in this alteration. The lateſt laws which we find in

* There appear early ſymptoms of the jealouſy, entertained by the barons againſt the progreſs of the arts, as deſtructive of their licentious power. A law was enacted, 7 Henry IV. cap. 17. prohibiting any one who did not poſſeſs twenty ſhillings a year in land from binding his ſons apprentices to any trade. They found already that the cities began to drain the country of the labourers and huſbandmen; and did not foreſee how much the encreaſe of commerce would increaſe the value of their eſtates. See farther, Cotton, p. 179. The Kings, to encourage the boroughs, granted them this privilege, that any villain, who had lived a twelvemonth in any corporation and had been of the gild, ſhould be thenceforth regarded as free.

England

England for the enforcing or regulating this ſpecies of ſervitude, were enacted in the reign of Henry VII. And tho' the antient ſtatutes on this ſubject remain ſtill unrepealed by parliament, it appears, that, before the reign of Elizabeth, the diſtinction of villain and freeman was totally, tho' inſenſibly aboliſhed, and that no perſon remained in the ſtate, to whom the former laws could be applied. Chap. XXIII.

THUS *perſonal* freedom became almoſt general in Europe; an advantage which paved the way for the encreaſe of *political* or *civil* liberty, and which, even where it was not attended with this ſalutary effect, ſerved to give the members of the community ſome of the moſt conſiderable advantages of it.

THE conſtitution of the Engliſh government, ever ſince the invaſion of this iſland by the Saxons, may boaſt of this pre-eminence, that in no age the will of the monarch was ever entirely abſolute and uncontrouled: But in other reſpects the ballance of power has extremely ſhifted among the ſeveral orders of the ſtate; and this fabric has experienced the ſame mutability, which has attended all human inſtitutions.

THE antient Saxons, like the other German nations, where each individual was enured to arms, and where the independance of men was ſecured by a great equality of poſſeſſions, ſeem to have admitted a conſiderable mixture of democracy into their form of government, and to have been one of the freeſt nations, of which there remains any account in the records of hiſtory. After this tribe was ſettled in England, eſpecially after the diſſolution of the Heptarchy, the great extent of the kingdom produced a great inequality in property; and the ballance ſeems to have inclined to the ſide of the Ariſtocracy. The Norman conqueſt threw more authority into the hands of the ſovereign, which, however, admitted of great controul; tho' derived leſs from the general forms of the conſtitution, which were inaccurate and irregular, than from the independant power enjoyed by each baron in his particular diſtrict or province. The eſtabliſhment of the great charter exalted ſtill higher the Ariſtocracy, impoſed regular limits on royal power, and gradually introduced ſome mixture of Democracy into the conſtitution. But even during this period, from the acceſſion of Edward I. to the death of Richard III. the condition of the commons was no-wiſe deſirable; a kind of Poliſh Ariſtocracy prevailed; and tho' the Kings were limited, the people were as yet far from being free. It required the authority almoſt abſolute of the ſovereigns, which took place in the ſubſequent period, to pull down theſe diſorderly and licentious tyrants, who were equal enemies to peace and to freedom, and to eſtabliſh that regular execution of the laws, which, in a following age, enabled the people to erect a regular and equitable plan of liberty.

Chap. XXIII. In each of these successive alterations, the only rule of government, which is intelligible or carries any authority with it, is the established practice of the age, and the maxims of administration, which are at that time prevalent, and universally assented to. Those who, from a pretended respect to antiquity, appeal at every turn to an original plan of the constitution, only cover their turbulent spirit and their private ambition under the appearance of venerable forms; and whatever period they pitch on for their model, they may still be carried back to a more antient period, where they will find the measures of power entirely different, and where every circumstance, by reason of the greater barbarity of the times, will appear still less worthy of imitation. Above all, a civilized nation, like the English, who have happily established the most perfect and most accurate system of liberty, that ever was found compatible with government, ought to be cautious of appealing to the practice of their ancestors, or regarding the maxims of uncultivated ages as certain rules for their present conduct. An acquaintance with the history of the remote periods of their government is chiefly *useful* by instructing them to cherish their present constitution from a comparison or contrast with the condition of those distant times. And it is also *curious*, by showing them the remote, and commonly faint and disfigured originals of the most finished and most noble institutions, and by instructing them in the great mixture of accident which commonly concurs with a small ingredient of wisdom and foresight, in erecting the complicated fabric of the most perfect government.

The END of the SECOND VOLUME.

ERRATA.

P. 29. l. 22. read *exorbitant authority.* P. 32. l. 4. from the bottom, dele *to.* P. 44. l. 8. from the bottom, read *yielded himſelf priſoner.* P. 65. l. 4. read *monarch.* P. 117. l. 12. read *the eldeſt ſon.* P. 128. l. 10. read *completion of the marriage.* P. 132. l. 10. from the bottom, read *had retired.* P. 168. l. 10. from the bottom, read *period of their hiſtory.* P. 177. l. ult. read *tumultuary.* P. 217. l. 15. read *independant of.* P. 220. l. 20. read *from it.* P. 321. l. 5. dele *I.*

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